

substantially reduce the cultural resource impacts associated with the project as identified in Section 5.8. Impacts would be significant but mitigable.

10.3 REDUCED PROJECT ALTERNATIVE: 21-STORY

As indicated earlier, this alternative would be achieved by removing stories from the proposed buildings to result in 21-story buildings for Towers B and C and 18-story buildings for Towers A and D. Based on this assumption, the number of units would be reduced to a maximum of 408 units. This alternative would consist of 988,960 square feet and have 1,012 parking spaces. The basic design elements of the project would remain the same with the 21-story alternative. Townhomes would remain around the base of the buildings. Access to the site would remain in the same location and parking would be located underground in quantities sufficient to support the residential development pursuant to City requirements. A pedestrian bridge would be constructed across La Jolla Village Drive. The offsite sewer improvement would also be part of this project. Implementation of this alternative would still require amendments to the University Community Plan and Costa Verde Specific Plan to accommodate the proposed residential use rather than the current visitor-serving commercial. The 21-story alternative was chosen as an alternative to reflect the La Jolla Village Towers development, which is a 21-story senior housing building, also located within the Costa Verde Specific Plan area.

Based on the following discussion, the 21-story alternative would be the environmentally-preferred alternative in addition to the No Project: Community Plan alternative. Most notably, the 21-story alternative would eliminate the significant unmitigable neighborhood character impact and reduce the traffic impact. The reduced height would eliminate the significant long-range visual impact of the taller buildings of the project. The reduction in the number of residential units would reduce the amount of trips added to the local roadways.

10.3.1 TRAFFIC AND CIRCULATION

KHA evaluated the traffic impacts associated with this alternative, as shown the February 15, 2006 addendum to Appendix D. The analysis of this alternative is compared to the analysis of 800 residential units, as described in the traffic addendum dated August 3, 2005, which found less significant impacts than the 1,084 unit project. Therefore, the impacts discussed below cannot be compared to the 1,084 unit analysis provided in Section 5.4-2.

As with the project, the 21-story alternative would have significant traffic impacts in the near-term and long-term but mitigable impacts to intersections and significant but not mitigable impacts to freeway ramp meters. Although the reduced residential use would result in 2,448 ADT, which is less than the project, any additional trips over 1,500 ADT (see Section 10.4-3) to the existing system would be enough to cause impacts in the near-term and long-term. Impacts to intersections and freeway ramps are discussed below.

Intersections

The 21-story Alternative would eliminate the significant impacts at three of the four intersections impacted by the project in the long-term condition. The following intersection impacted by the project would not be impacted by the 21-story Alternative:

- La Jolla Village Drive/Regents Road (LOS E, AM peak hour);
- La Jolla Village Drive/Genesee Avenue (LOS F, AM peak hour AND LOS E PM peak hour); and
- Esplanade Court/Private Drive A (LOS F, AM and PM peak hour).

The following intersection would still operate at unacceptable levels with the 21-story Alternative and have a significant impact:

- Genesee Avenue/Esplanade Court (LOS E, PM peak hour).

As with the project, intersection impacts would be mitigated to below a level of significance.

Freeway Ramp Meters

The 21-story Alternative would eliminate significant impacts at two of the three ramps impacted by the project in the long-term condition. The following ramp meters impacted by the project would not be impacted by the 21-story Alternative:

- I-5/Nobel Drive WB to SB (AM peak hour); and
- I-805/Nobel Drive EB to SB (AM peak hour).

The impact on the following freeway ramp would still remain significant with the 21-story Alternative:

- I-5/La Jolla Village Drive WB to NB (AM peak hour).

As with the project, mitigation would reduce impacts, but not to below a level of significance. Therefore, impacts would be significant and not mitigable.

10.3.2 NOISE

As with the project, traffic noise from La Jolla Village Drive and Genesee Avenue would exceed levels considered acceptable for residential units facing these roadways. However, this alternative would also be subject to Title 24 and must be constructed with elements such as dual panel windows and ventilation systems to ensure that an interior noise level of 45 dB(A) or less is achieved. Therefore, acceptable interior noise levels would be accomplished through architectural design and compliance with Title 24. Aircraft noise levels would not be a problem as the property lies outside the 60 CNEL contour for Miramar MCAS.

10.3.3 VISUAL EFFECTS/NEIGHBORHOOD CHARACTER

As discussed above, the 21-story alternative would have the same footprint as the project, but would be a maximum of 21 stories high as opposed to 33 to 42 stories high for the project (see Figures 10.2-1, 10.2-2, 10.2-3, and 10.2-4). This alternative would be similar in height to the surrounding office and residential buildings (Figures 10.3-1 and 10.3-2). Therefore, unlike the project, the bulk and scale would be consistent with the surrounding area; and an impact on neighborhood character would not occur as a result of building height.

Similar to the proposed project, this alternative would include the offsite sewer improvement. As the retaining wall and manufactured fill options (Option 2B(1) and (2)) would be in stark contrast to the surrounding open space, significant impacts to neighborhood character would occur if these options are selected. Mitigation would reduce impacts, but not to below a level of significance. Therefore, impacts would remain significant and not mitigable.

As with the project, this alternative would not block public views nor would it adversely affect public viewsheds. Thus, the 21-story alternative would not impact the visual character of the surrounding area.

10.3.4 PUBLIC SERVICES

As indicated in Section 5.3, the project would have a significant impact with respect to solid waste disposal. Thus, the public service impact discussion for the Community Plan alternative is focused on this service.

Solid Waste Disposal

Since the City ESD considers waste generation for projects with greater than 50 residential units as significant, like the project, the 21-story alternative would result in significant cumulative impacts on the Miramar Landfill capacity, however, this impact would be less than that of the project. Preparation of a waste management plan would reduce the project's direct impact on solid waste disposal to below a level of significance. As discussed in Section 6.2, cumulative impacts would remain significant.

10.3.5 PALEONTOLOGY

As with the project, construction of the 21-story alternative would involve grading, including a large amount of excavation for the underground parking structure as well as a 10-to 20-foot-deep trench for the sewer improvement alignment. This alternative could encroach into paleontological resources of the Scripps Formation and the Lindavista Formation. Although exact grading quantities are not known for this alternative, it would involve excavation of greater than 1,000 cy of the Scripps Formation to a depth of greater than 10 feet, and excavation of greater than 2,000 cy of the Lindavista Formation to a depth of greater than 10 feet.

Additionally, all grading and earthmoving activities within the Genesee Avenue portion of the alignment from just south of Decoro Street to just north of the railroad tracks may impact

geologic materials with high potential to yield important paleontological resources. Thus, this alternative and offsite sewer improvement would have a significant but mitigable impact on paleontological resources.

10.3.6 WATER QUALITY

As with the project, development of the site with 21-story buildings would be required to implement short- and long-term BMPs which would be sufficient to preclude significant impacts on water quality.

10.3.7 BIOLOGICAL RESOURCES

As with the project, impacts to uplands would occur as a result of the offsite sewer improvements mitigation. Although city thresholds for wetlands would not be exceeded, state and federal agencies have a "no-net loss" of wetland policy, therefore permits/agreements with state and federal regulatory agencies would be required. Significant indirect impacts from night lighting, noise levels and edge effects such as invasive species and water quality impacts to wetlands would also occur. Therefore, mitigation would be required. Impacts to sensitive species including Cooper's hawk, coastal California gnatcatcher, southwestern willow flycatcher and least Bell's vireo would be potentially significant. Thus, the 21-story alternative would not avoid or substantially reduce the biological resource impacts associated with the project as identified in Section 5.7.

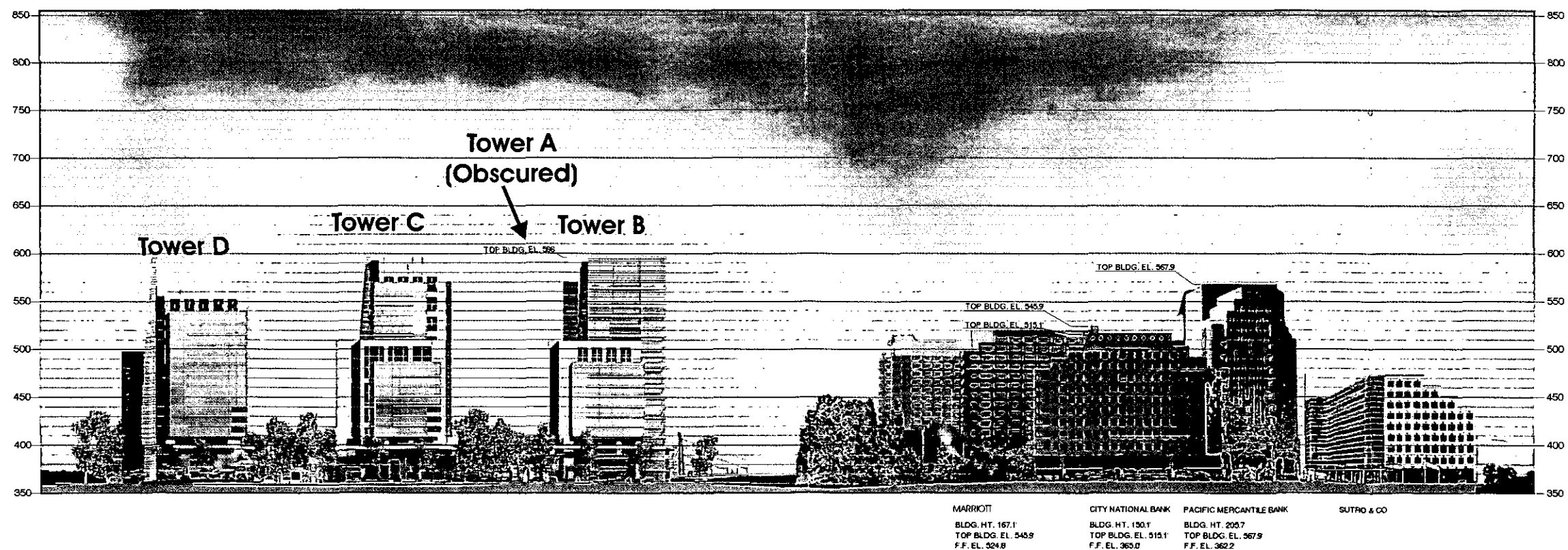
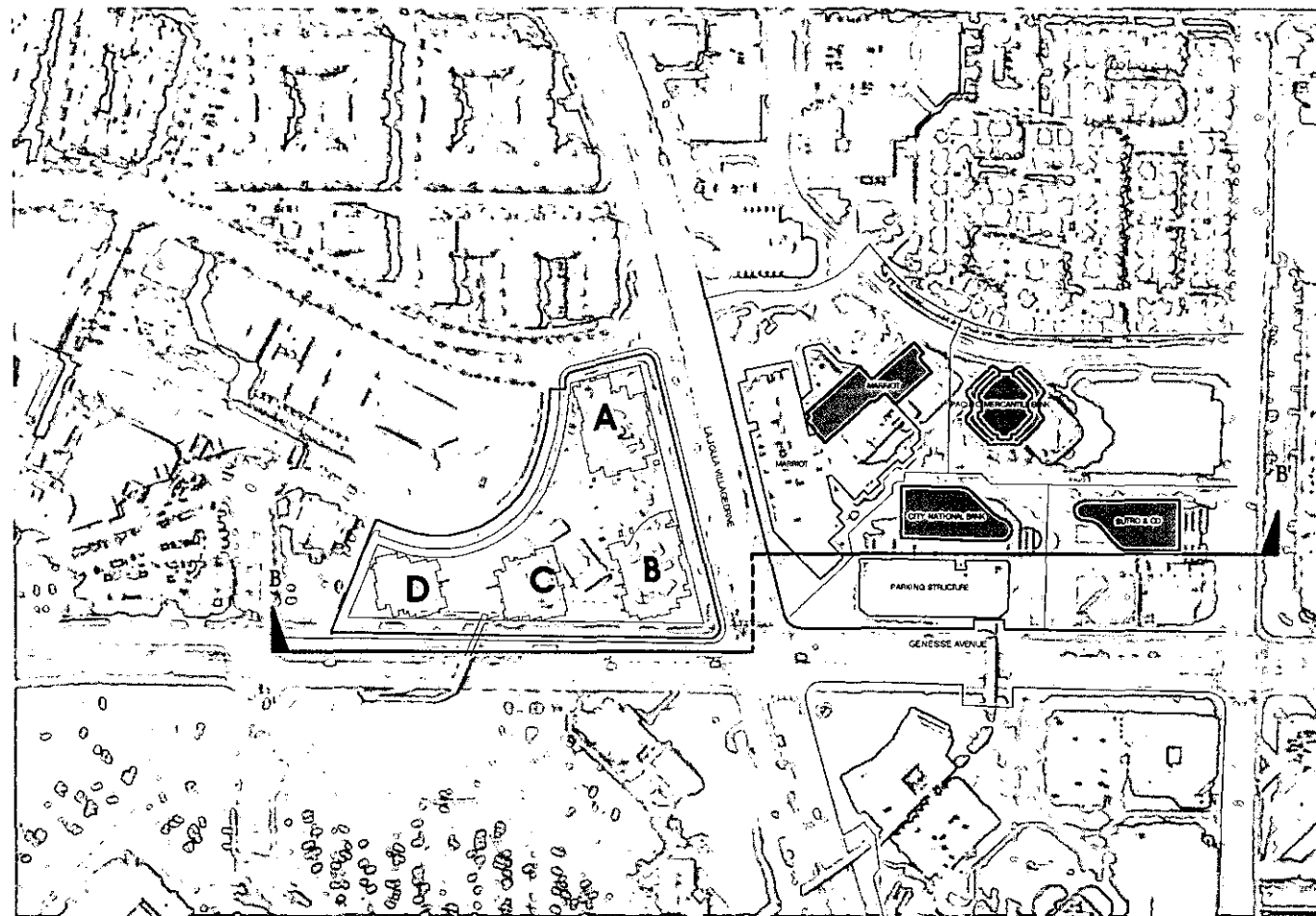
10.3.8 HISTORICAL RESOURCES

As with the project, the portion of the offsite sewer replacement in Rose Canyon would result in significant direct impacts to CA-SDI-12556 as a result of jacking and boring and construction activities. All grading and earthmoving activities within the Genesee Avenue portion of the alignment from just south of Decoro Street to just north of the railroad tracks may disturb presently unknown historic resources. Thus, the 30-story alternative would not avoid or substantially reduce the cultural resource impacts associated with the project as identified in Section 5.8.

10.4 ALTERNATIVES CONSIDERED BUT REJECTED

10.4.1 REDUCED HEIGHT/SAME DENSITY ALTERNATIVE

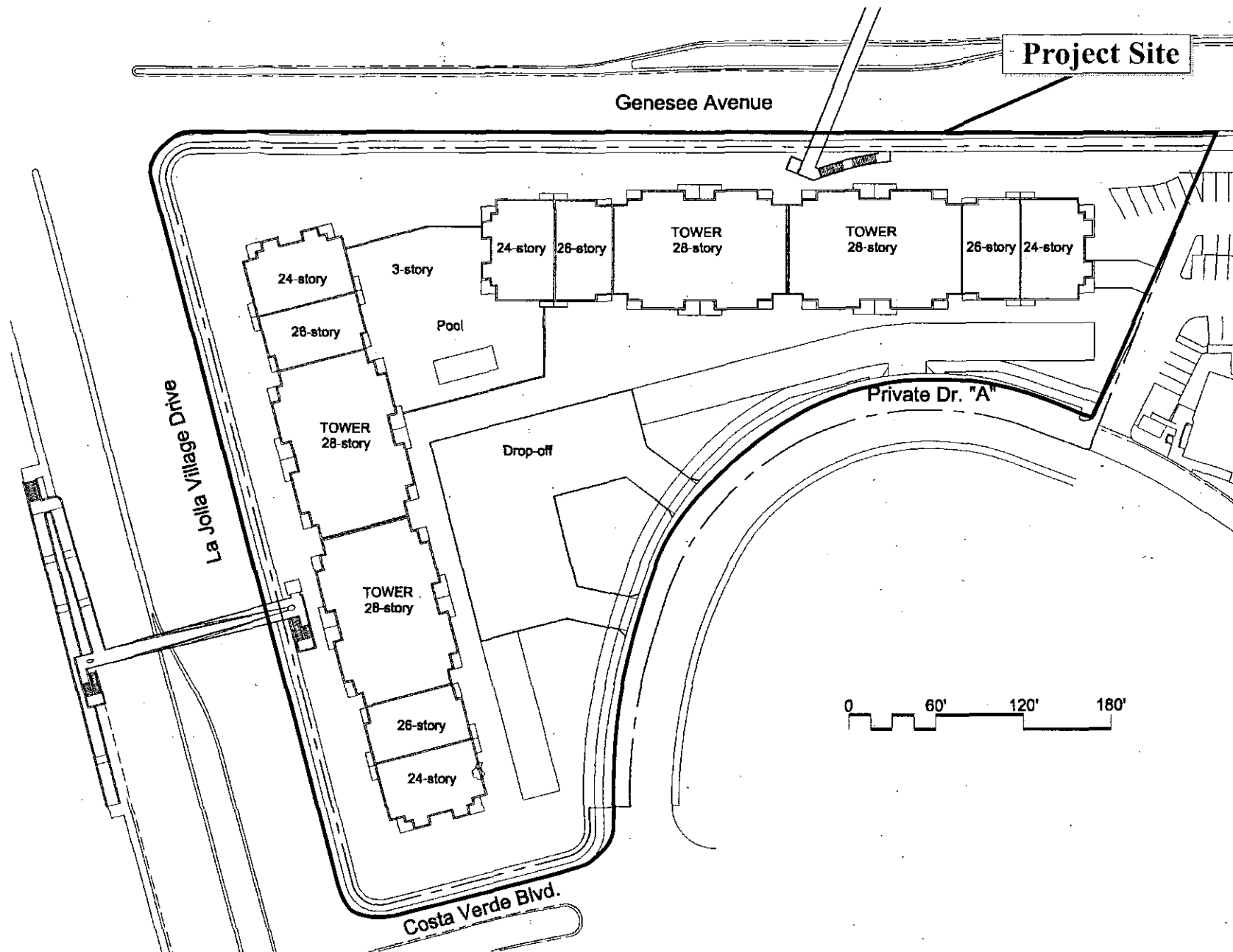
This alternative would retain the same number of residential units as the project while reducing the height of the buildings to a maximum of 28 stories. This alternative was originally considered as a way to achieve more residential units in the University Community without requiring the increased building height. As illustrated in Figure 10.4-1, in order to accomplish this goal, the buildings would be much wider and take up more ground area than the proposed plan. This alternative would not include attached town homes.



Source: Hunsaker & Associates, 12/2005

21-Story Alternative Building Height Comparison (North)

Figure 10.3-2



Source: Design Lead, LLP, 7/2005

Reduced Project - Reduced Height/Same Density _____ Figure 10.4-1

While this alternative met the basic goals of maximizing residential development, it did not offer any substantial reductions in environmental impacts beyond the reduction in building height. Although impacts due to building height would not occur with this alternative, instead this alternative would result in greater impacts due to bulk and scale. The surrounding community has tall slender buildings. Some buildings in the community have similar footprints as this alternative, however, they are only two to three stories tall, not 28 stories as this alternative would create. The traffic generation rate would be unchanged. Traffic noise and air quality impacts would be similar. Furthermore, the benefit associated with the reduced building height would be offset by the increased bulk of the building at the ground level. As indicated in Figure 10.4-1, the majority of the subject property would be occupied by the building footprints. No views through the project would be afforded from adjacent roads. Only minimal area would be available for outdoor amenities such as landscape and plaza areas. It would also be difficult to achieve desirable pedestrian linkage between the pedestrian bridges connecting with the project site.

Thus, this alternative was rejected from further consideration.

10.4.2 ALTERNATIVE SITE

In accordance with Section 15126.6(a), offsite alternatives were considered. The evaluation of offsite alternatives was based on the ability of offsite locations to meet the basic objectives of the project. As described in Section 3.1 and above, the primary objective of the project is to provide additional housing opportunities within the University Community Plan area. Other objectives are to provide housing to serve students, military, seniors and professionals, develop higher density residential within an "urban node" of the City of San Diego, construct a planned pedestrian bridge, and to accommodate pedestrians traveling from the north side of La Jolla Village Drive through the project to the Costa Verde and UTC shopping centers. A search of the surrounding UCP area revealed no vacant land zoned for residential use that was not in some stage of planning or construction. Due to the proposed magnitude of the buildings, the project could not be constructed in the coastal zone, which limits building heights to 30 feet. Other areas such as Clairemont and Mira Mesa were also considered, and although some vacant land exists with the potential to develop multi-family residential towers, many project objectives would not be achieved as students would not be served, the pedestrian bridge would not be constructed, and development would not occur within a defined urban node. Thus, the offsite alternative was rejected.

10.4.3 REDUCED TRAFFIC ALTERNATIVE

In order to avoid the traffic impact of the project, this alternative would involve development of no more than 1,500 ADT (250 residential units), as discussed in the addendum to Appendix D dated December 1, 2005. This alternative would reduce offsite impacts to traffic and circulation, air quality, noise, and aesthetics/neighborhood character/visual quality, and public services. However, it would not meet the objective to maximize residential development within the Specific Plan area. Therefore, this alternative was rejected from further consideration. Furthermore, this alternative would not be financially feasible for the applicant.

CHAPTER 11.0

MITIGATION MONITORING AND REPORTING PROGRAM

Section 21081.6 to the State of California Public Resources Code requires a lead or responsible agency that approves or carries out a project where an environmental impact report (EIR) has identified significant environmental effects to adopt a "reporting or monitoring program for adopted or required changes to mitigate or avoid significant environmental effects." The City of San Diego is the lead agency for the Monte Verde EIR, and therefore is responsible for implementation of the mitigation monitoring and reporting program (MMRP). An EIR has been prepared for this project which addresses potential environmental impacts and, where appropriate, recommends measures to mitigate these impacts. As such, a MMRP is required to ensure that adopted mitigation measures are implemented.

As Lead Agency for the proposed project under CEQA, the City of San Diego will administer the MMRP for the following environmental issue areas as identified in the Monte Verde EIR: traffic and circulation; public facilities and services; paleontology; noise, biological resources; and historical resources. The mitigation measures identified below include all applicable measures from the Monte Verde EIR (SCH No. 2003091106; Project No. 6563), revised and updated as appropriate. This MMRP shall be made a requirement of project approval. All of the mitigation measures outlined in this MMRP shall be included in the Site Development Permit for the proposed project.

GENERAL

Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the Assistant Deputy Director (ADD) environmental designee of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading Environmental Requirements: "MONTE VERDE" is subject to a Mitigation, Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in the Environmental Impact Report Number 6563."

Prior to the issuance of a Notice to Proceed (NTP) or any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, which ever is applicable, the owner/permittee shall make arrangements to schedule a preconstruction meeting (precon meeting) to ensure implementation of the Mitigation Monitoring and Reporting Program (MMRP). The meeting shall include the Resident Engineer (RE), Principal Qualified Biologist (PQB) biologist, monitoring archaeologist, monitoring paleontologist, and staff from the City's Mitigation Monitoring Coordination (MMC) Section.

TRAFFIC AND CIRCULATION

Construction of intersection improvements identified in Table 5.2-19 would reduce project impacts to below a level of significance. As illustrated in Table 5.2-19, the mitigation required of the project would be dependent upon the status of Regents Road and Genesee Avenue Widening. As identified in Table 5.2-19, different improvements would be required if Regents Road and Genesee Avenue Widening are not completed pursuant to the Community Plan. Construction of freeway ramp metering improvements or payment to the City identified in Table 5.2-19 would reduce project freeway ramp impacts but would not reduce ramp meter impacts to below a level of significance.

Mitigation Measure 5.2-1: Prior to the issuance of the first building permit (exclusive of a building permit to construct a foundation for the parking garage for the first and second towers), the developer shall construct or otherwise assure, by permit and bond, all intersection improvements as identified in Table 5.2-19.

Mitigation Measure 5.2-2: Prior to the issuance of the first building permit (exclusive of a building permit to construct a foundation for the parking garage for the first and second towers), the developer shall assure, by permit and bond, construction or a fair share payment for freeway ramp meter improvements identified in Table 5.2-19.

TABLE 5.2-19
Traffic Mitigation Measures

Facility	Improvement				Applicant Responsibility
	With Regents Road and With Genesee Avenue Widening (In/In)	With Regents Road and Without Genesee Avenue Widening (In/Out)	Without Regents Road and With Genesee Avenue Widening (Out/In)	Without Regents Road and Without Genesee Widening (Out/Out)	
Year 2005					
Intersections					
La Jolla Village Dr./Regents Rd.	N/A ¹				
La Jolla Village Dr./Genesee Ave.	Add a second WB RT lane	Add a second WB RT lane	Add a second WB RT lane	Add a second WB RT lane	Construct ²
Genesee Ave./Esplanade Ct.	Reconfigure EB approach only to include dual LT lanes and a separate RT lane ³	Reconfigure EB approach only to include dual LT lanes and a separate RT lane ³	Reconfigure EB approach only to include dual LT lanes and a separate RT lane ³	Reconfigure EB approach only to include dual LT lanes and a separate RT lane ³	Construct
Private Drive A/Esplanade Ct.	Construct a roundabout	Construct a roundabout	Construct a roundabout	Construct a roundabout	Construct ²
Freeway Ramp Meters ⁴					
I-805/Nobel Dr. EB to SB Ramp	Same mitigation as shown below for the Year 2020				
I-5/La Jolla Village Dr. WB to NB Ramp	Same mitigation as shown below for the Year 2020				
Year 2020					
Intersections					
La Jolla Village Dr./Regents Rd.	Add a WB RT lane	Add a WB RT lane	N/A ⁵		Construct ²
La Jolla Village Dr./Genesee Ave.	Add a NB RT lane	Add a NB RT lane	Add a NB RT lane	Add a NB RT lane	Construct ¹
Genesee Ave./Esplanade Ct.	Reconfigure EB approach only to include dual LT lanes and a separate RT lane ³	Reconfigure EB approach only to include dual LT lanes and a separate RT lane ³	Reconfigure EB approach only to include dual LT lanes and a separate RT lane ³	Reconfigure EB approach only to include dual LT lanes and a separate RT lane ³	Construct
Private Drive A/Esplanade Ct.	Construct a roundabout	Construct a roundabout	Construct a roundabout	Construct a roundabout	Construct ²
Freeway Ramp Meters ⁴					
I-805/Nobel Dr. EB to SB Ramp	Construct a 1,000 foot EB RT storage lane along Nobel Dr.	Construct a 1,000 foot EB RT storage lane along Nobel Dr.	Construct a 1,000 foot EB RT storage lane along Nobel Dr.	Construct a 1,000 foot EB RT storage lane along Nobel Dr.	Construct ²
I-5/La Jolla Village Dr. WB to NB Ramp	Contribute \$384,000 towards improvement projects along I-5	Contribute \$384,000 towards improvement projects along I-5	Contribute \$384,000 towards improvement projects along I-5	Contribute \$384,000 towards improvement projects along I-5	Fair Contribution Share

Source: Kimley Horn, 2006

¹ No improvement is required since this intersection was not significantly impacted by the project.² Prior to the issuance of the first building permit (exclusive of a building permit to construct a foundation for the parking garage for the first and second towers), the developer shall construct or otherwise assure, by permit and bond each respective improvement.³ The improvement is considered to be Option 2 as described in Table 12-3 of the approved Monte Verde Traffic Study, December 6, 2004.⁴ As indicated in the letter from KHA dated February 15, 2006 in Appendix D of the EIR, the freeway ramp mitigation requirements are based on the current proposal to construct 800 units rather than the 1,084 units which were originally proposed. Thus, not all of the four ramps originally identified as impacted by the 1,084 units require mitigation.⁵ No improvement is required since this intersection did not experience a significant impact in the Without Regents Road scenarios.

VISUAL EFFECTS/NEIGHBORHOOD CHARACTER

If the retaining wall option is selected to construct the offsite sewer improvement, the following mitigation measure would reduce impacts but not to below a level of significance:

Mitigation Measure 5.3-1: The retaining wall shall be constructed out of earth-tone materials and additional tall-growing vegetation shall be planted on either side of the wall to soften its appearance, as required by the Conceptual Wetland Revegetation Plan (included in Appendix H). In addition, the retaining wall for the turn-around area would be earth-tone and plantable, as required by the Conceptual Wetland Revegetation Plan. All planting materials shall be subject to approval by DSD and the Park and Recreation Department.

If the manufactured fill option is selected to construct the offsite sewer improvement, the following mitigation measure would reduce impacts but not to below a level of significance:

Mitigation Measure 5.3-2: The slopes shall be planted with native vegetation including coastal sage scrub, as required by the Conceptual Wetland Revegetation Plan (included in Appendix H). In addition, the retaining wall for the turn-around area would be earth-tone and plantable, as required by the Conceptual Wetland Revegetation Plan. All planting materials shall be subject to approval by DSD and the Park and Recreation Department.

PUBLIC FACILITIES AND SERVICES

The following mitigation measures would reduce the direct impact of the project on local landfill capacity to below a level of significance.

Mitigation Measure 5.4-1: As required by the City of San Diego, the developer shall provide exterior areas in which to store trash and recyclable materials, in compliance with Municipal Code 101.2001.

Mitigation Measure 5.4-2: Prior to the issuance of a grading permit, the applicant shall receive approval from the Assistant Deputy Director (ADD) that a Waste Management Plan has been prepared, approved by the ESD, and implemented for the project. Also prior to the issuance of the grading permit, the applicant shall submit evidence to the ADD that the final Demolition/Construction report has been approved by Mitigation Monitoring Coordination (MMC) and ESD. This report shall summarize the results of implementing the above Waste Management Plan elements, including: the actual waste generated and diverted from the project, the waste reduction percentage achieved, and how that goal was achieved, etc.

Mitigation Measure 5.4-3: At least thirty days prior to beginning any work on the site, demolition and/or grading, for the implementation of the MMRP, the Permittee is responsible to

arrange a Precon Meeting that shall include: the Construction Manager or Grading Contractor, MMD, and ESD and the Resident Engineer (RE).

- At the Precon Meeting, the Permittee shall submit three (3) – reduced copies (11 x 17) of the approved waste management plan, to MMC (2) and ESD (1).
- Prior to the start of demolition, the Permittee/the Construction Manager shall submit a construction schedule to MMC and ESD.

Mitigation Measure 5.4-4: The Permittee/Construction Manager shall call for inspections by both MMC and ESD who will periodically visit the construction site to verify implementation of the waste management plan.

Mitigation Measure 5.4-5: After completion of the MMRP, a final results report shall be submitted to MMC.

Mitigation Measure 5.4-6: Prior to the issuance of any permit, including but not limited to a grading or other construction permit, the ADD shall verify that all the requirements of the waste management plan have been shown and/or noted on the Demolition and/or Grading Plans (construction documents).

- 1) Prior to issuance of a demolition permit for the demolition of the existing western ramp of the Genesee Avenue pedestrian bridge, the permittee shall be responsible to arrange a preconstruction meeting. This meeting shall be coordinated with MMC to verify that implementation of the waste management plan shall be performed in compliance with the plan approved by LDR and the San Diego ESD.
- 2) The plan (construction documents) shall include the following elements for grading, construction, and occupancy phases of the project as applicable:
 - a) Tons of waste anticipated to be generated,
 - b) Material type of waste to be generated,
 - c) Source separation techniques for waste generated,
 - d) How materials will be reused onsite,
 - e) Name and location of recycling, reuse, or landfill facilities where waste will be taken if not reused onsite.
 - f) A “buy recycled” program,
 - g) How the project will aim to reduce the generation of construction/demolition debris,
 - h) A plan of how waste reduction and recycling goals will be communicated to subcontractors, and
 - i) A time line for each of the three main phases of the project as stated above.
- 3) The plan shall strive for a goal of 50% waste reduction.

- 4) The plan shall include specific performance measures to be assessed upon the completion of the project to measure success in achieving waste minimization goals. The Permittee shall notify MMC and ESD when:
 - a) A construction permit is issued.
 - b) When construction begins.
 - c) The permittee shall arrange for progress inspections, and a final inspection, as specified in the plan and shall contact both MMC and ESD to perform these periodic site visits during construction to inspect the progress of the project's waste diversion efforts. Notification shall be sent to:

MMC Mitigation Monitoring Coordination 9601 Ridgehaven Ct. Suite 320, MS 1102B San Diego, CA 92123-1636 (619) 980-7122	Environmental Services Department 9601 Ridgehaven Ct. Suite 320, MS 1102B San Diego, CA 92123-1636 (858) 492-5010
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- d) When Demolition ends.
- 5) Prior to the issuance of a grading permit, the applicant shall receive approval from the ADD that the waste management plan has been prepared, approved, and implemented. Also prior to the issuance of the grading permit, the applicant shall submit evidence to the ADD that the final Demolition/Construction report has been approved by MMC and ESD. This report shall summarize the results of implementing the above Waste Management Plan elements, including: the actual waste generated and diverted from the project, the waste reduction percentage achieved, and how that goal was achieved, etc.

Preconstruction Meeting

- 1) At least thirty days prior to beginning any work on the site, demolition and/or grading, for the implementation of the MMRP, the Permittee is responsible to arrange a Preconstruction Meeting that shall include the: Construction Manager or Grading Contractor; MMC and ESD and the RE, if there is an engineering permit.
- 2) At the Preconstruction Meeting, the Permittee shall submit 3 reduced copies (11 x 17") of the approved waste management plan, to MMC (2) and ESD (1).
- 3) Prior to the start of demolition, the Permittee/Construction Manager shall submit a construction schedule to MMC and ESD.

During Construction

The Permittee/Construction Manager shall call for inspections by both MMC and ESD who will periodically visit the construction site to verify implementation of the waste management plan.

Post Construction

- 1) After completion of the implementation of the MMRP, a final results report shall be submitted to MMC to coordinate the review by the ADD and ESD.
- 2) Prior to final clearance of any demolition permit, issuance of any grading or building permit, release of the grading bond and/or issuance of Certificate of Occupancy, the applicant shall provide documentation that the ADD of LDR and the ESD, that the waste management plan has been effectively implemented.

PALEONTOLOGY

Potential impacts to paleontological resources would be reduced to below a level of significance through implementation of the following mitigation measure.

Mitigation Measure 5.5-1: The following shall be implemented:

I. Prior to Permit Issuance

- A. Land Development Review (LDR) Plan Check
 1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.
- B. Letters of Qualification have been submitted to ADD
 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
 3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

- A. Verification of Records Search
 1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night Work**A. If night work is included in the contract**

1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVN and submit to MMC via fax by 9am the following morning, if possible.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

- d. The PI shall immediately contact MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. Post Construction

- A. Submittal of Draft Monitoring Report
 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
 1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

NOISE

The following mitigation measure would reduce the noise impacts of the project to below a level of significance.

Mitigation Measure 5.6-1: Prior to issuance of a building permit, an acoustical study shall be conducted to determine the appropriate barrier design and height to achieve noise levels below 65 dB(A) CNEL within designated ground level recreation areas illustrated in Figure 5.6-4 of the EIR. Prior to issuance of a certificate of occupancy for any tower containing designated outdoor open space, an acoustical engineer or equivalent shall confirm to the ADD that the noise attenuation identified in the acoustical analysis is in place and that it reduces exterior noise levels to below a level of significance. If it does not, additional noise attenuation measures shall be implemented to the satisfaction of the ADD to assure exterior noise levels are below 65 dB(A).

BIOLOGICAL RESOURCES

The following mitigation measures would reduce the impact of the offsite sewer improvement on sensitive habitats to below a level of significance.

Mitigation Measure 5.7-1: Prior to the issuance of the first grading permit for the offsite sewer improvement, the owner/permittee shall make a contribution to the City's Habitat Acquisition Fund to compensate for impacts to Tier I, II and IIIB upland habitat, based on the mitigation requirements specified in Tables 5.7-3A or 3B, as applicable. The contribution shall be based on a fee of \$25,000 per acre plus a 10 percent administrative fee.

Mitigation Measure 5.7-2: Prior to the issuance of the first grading permit for the offsite sewer improvement and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the ADD of LDR verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below (see 1 through 4):

1. Prior to the first pre-construction meeting, the applicant shall hire and submit for approval a letter verifying the qualifications of the biological professional to MMC and the ADD of LDR. This letter shall identify the Qualified Project Biologist (QPB) and Qualified Biological Monitor (QBM), where applicable, and the names of all other persons involved in the implementation of the revegetation/restoration plan and biological monitoring program, as they are defined in the City of San Diego Biological Review Process.

TABLE 5.7-3A
Mitigation Ratios for Upland Vegetation Communities Assuming Applicant
Creates Construction Access from the South

VEGETATION COMMUNITY/ JURISDICTIONAL HABITAT	IMPACT ACREAGE		MITIGATION RATIO		TOTAL MITIGATION ACRES ¹
	INSIDE MHPA	OUTSIDE MHPA	INSIDE MHPA	OUTSIDE MHPA	
Option 2A					
Native Grassland	0.00	0.01	1:1	2:1	0.01/0.02
Diegan Coastal Sage Scrub	0.00	0.06	1:1	1.5:1	0.06/0.09
Diegan Coastal Sage Scrub	0.02	0.00	1:1	2:1	0.02/0.4
Diegan Coastal Sage Scrub	0.03	0.00	2:1		0.06
Non-native Grassland	0.00	0.02	0.5:1	1:1	0.01/0.02
Non-native Grassland	0.28	0.00	1:1	1.5:1	0.28/0.42
Option 2A Total	0.33	0.09			0.44/0.65 ²
Option 2B(1)					
Native Grassland	0.00	0.01	1:1	2:1	0.01/0.02
Diegan Coastal Sage Scrub	0.00	0.06	1:1	1.5:1	0.06/0.09
Diegan Coastal Sage Scrub	0.02	0.00	1:1	2:1	0.02/0.4
Diegan Coastal Sage Scrub	0.03	0.00	2:1		0.06
Non-native Grassland	0.00	0.02	0.5:1	1:1	0.01/0.02
Non-native Grassland	0.28	0.00	1:1	1.5:1	0.28/0.42
Option 2B(1) Total	0.33	0.09			0.46/0.65 ²
Option 2B(2)					
Native Grassland	0.00	0.01	1:1	2:1	0.01/0.02
Diegan Coastal Sage Scrub	0.00	0.09	1:1	1.5:1	0.09/0.14
Diegan Coastal Sage Scrub	0.04	0.00	1:1	2:1	0.04/0.08
Diegan Coastal Sage Scrub	0.03	0.00	2:1 ²		0.06
Non-native Grassland	0.00	0.02	0.5:1	1:1	0.01/0.02
Non-native Grassland	0.31	0.00	1:1	1.5:1	0.31/0.47
Option 2B(2)Total	0.38	0.12			0.52/0.79 ²

¹ First number represents mitigation requirement if all occurs inside the MHPA/Second number represents total if all mitigation occur outside the MHPA.

² Includes 0.06 acres required to compensate for impacts to 0.03 acres of Diegan coastal sage scrub which was previously restored. This mitigation is required to occur within the MHPA.

TABLE 5.7-3B
Mitigation Ratios for Upland Vegetation Communities Assuming City
Creates Construction Access from the South

VEGETATION COMMUNITY/ JURISDICTIONAL HABITAT	IMPACT ACREAGE		MITIGATION RATIO		TOTAL MITIGATION ACRES ¹
	INSIDE MHPA	OUTSIDE MHPA	INSIDE MHPA	OUTSIDE MHPA	
Options 2A					
Native Grassland	0.00	0.01	1:1	2:1	0.01/0.02
Diegan Coastal Sage Scrub	0.00	0.06	1:1	1.5:1	0.06/0.09
Diegan Coastal Sage Scrub	0.02	0.00	1:1	2:1	0.02/0.04
Diegan Coastal Sage Scrub	0.02	0.00	2:1 ²		0.04
Non-native Grassland	0.00	0.02	0.5:1	1:1	0.01/0.02
Non-native Grassland	0.23	0.00	1:1	1.5:1	0.23/0.35
Option 2A Total	0.27	0.09			0.37/0.58 ²
Option 2B(1)					
Native Grassland	0.00	0.01	1:1	2:1	0.01/0.02
Diegan Coastal Sage Scrub	0.00	0.06	1:1	1.5:1	0.06/0.09
Diegan Coastal Sage Scrub	0.02	0.00	1:1	2:1	0.02/0.04
Diegan Coastal Sage Scrub	0.02	0.00	2:1 ²		0.04
Non-native Grassland	0.00	0.02	0.5:1	1:1	0.01/0.02
Non-native Grassland	0.23	0.00	1:1	1.5:1	0.23/0.35
Option 2B(1) Total	0.27	0.09			0.37/0.58 ²
Option 2B(2)					
Native Grassland	0.00	0.01	1:1	2:1	0.01/0.02
Diegan Coastal Sage Scrub	0.00	0.09	1:1	1.5:1	0.09/0.14
Diegan Coastal Sage Scrub	0.04	0.00	1:1	2:1	0.04/0.08
Diegan Coastal Sage Scrub	0.02	0.00	2:1 ²		0.04
Non-native Grassland	0.00	0.02	0.5:1	1:1	0.01/0.02
Non-native Grassland	0.25	0.00	1:1	1.5:1	0.25/0.38
Option 2B(2) Total	0.31	0.12			0.44/0.70 ²

¹ First number represents mitigation requirement if all occurs inside the MHPA/Second number represents total if all mitigation occur outside the MHPA.

² Includes 0.06 acres required to compensate for impacts to 0.03 acres of Diegan coastal sage scrub which was previously restored. This mitigation is required to occur within the MHPA.

2. At least thirty days prior to the pre-construction meeting, a second letter shall be submitted to the ADD of LDR which includes the name and contact information of the Biologist and the names of all persons involved in the biological monitoring of the project.
3. At least thirty days prior to the pre-construction meeting, the qualified biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant relocation requirements, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated.
4. The QBP shall attend the first preconstruction meeting.

Mitigation Measure 5.7-3: Prior to issuance of the first grading permit for the offsite sewer improvement, all wetland areas within or adjacent to the construction areas, as illustrated on Figures 5.7-2A and B of the EIR, shall be enclosed with orange construction fencing to protect them from construction activities. A qualified biologist shall inspect all construction fencing prior to the issuance of the first grading permit and shall monitor construction activities to avoid unauthorized impacts.

Mitigation Measure 5.7-4: Prior to issuance of a grading permit for the offsite sewer, a final wetland revegetation plan shall be approved to the satisfaction of the ADD of LDR in consultation with the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and California Department of Fish and Game, based on the Draft Conceptual Wetland Revegetation and Monitoring Plan, included in Appendix H. Wetland compensation shall be accomplished within the Rose Canyon. Wetland compensation shall be accomplished at an overall ratio of 3:1 for southern cottonwood-willow riparian forest and 2:1 for southern willow scrub. The ratios may be achieved through a combination of creation and enhancement. However, at least 1:1 shall consist of creation. Creation shall consist of planting species which reflect the impacted wetland type. Enhancement shall consist of removal of exotics from existing wetlands. Replacement of the existing culvert over the drainage is expected to adequately compensate for the impact to the disturbed habitat/culvert jurisdictional habitat type.

The final approved wetland revegetation plan shall include: plant palette selection, mitigation bonding, planting guidelines, post-installation maintenance, success criteria and monitoring requirements.

Mitigation Measure 5.7-5: Prior to the issuance of the first grading permit for the offsite sewer improvement, all disturbed areas within or adjacent to construction areas (upland and wetland), shall require construction documents to be submitted for verification and review of the revegetation effort in accordance with the approved biological report to the satisfaction of the ADD of EAS, Park and Recreation Department, and MSCP staff.

Mitigation Measure 5.7-6: Prior to initiation of any construction-related grading, the biologist shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor. The limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing or grading. The limits of grading shall be defined with silt fencing and checked by the biological monitor before initiation of construction grading. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically

sensitive areas beyond the limits of disturbance as shown on the final construction plans (Exhibit A).

Mitigation Measure 5.7-7: Prior to the issuance of any authorization to proceed for the offsite improvement, the ADD of LDR shall ensure that the following measures are included as notes on the construction plans:

1. A qualified project biologist shall inspect all construction fencing prior to issuance of the first grading permit and shall monitor construction activities to avoid unauthorized impacts.
2. All staging and storage areas for the offsite sewer improvement shall be located within the Monte Verde project site, which does not contain sensitive biological resources.
3. All construction area limits shall be clearly delineated prior to the issuance of the first grading permit activity with orange construction fencing or silt fencing to ensure that construction activity remains within the defined construction limits.
4. The biologist shall provide direction to construction personnel regarding the need to avoid impacts to adjacent sensitive areas.
5. Any plants or seeds used as erosion control or revegetation shall be approved by the City Park and Recreation Department. Plants and seeds shall only contain native species and shall only be applied under the supervision of the biologist or a landscape architect.
6. Sewer pipeline construction within 300 feet of any sensitive bio-habitat for endangered or threatened species shall avoid nesting/breeding seasons, or shall install solid barriers to fully screen the direct line of sight between the construction equipment and the habitat.
7. All work would be performed during normal daylight working hours with the exception of the connection to the existing Rose Canyon Trunk Sewer, which would be completed at a non-peak time, typically between 7pm and 4am. It is expected that the connection to the existing Rose Canyon Trunk Sewer would take approximately 3 nights and require minimal lighting, focused within the connection area (Manhole #1, located within the MHPA), that would be shielded, unidirectional, low-pressure sodium illumination (or similar) and directed away from the preserve areas using appropriate placement as shields.
8. No water used during construction related work shall be allowed to be diverted or drained off-site into the MHPA during and after construction activity. The biologist shall ensure that the appropriate measures and control devices are used as needed during construction to deter any drainage toward sensitive habitat.
9. All construction/grading plans shall be made available to crews in the field showing these conditions.
10. No exotic or invasive plant species shall be utilized in or adjacent to the MHPA.

11. Compliance with all City stormwater and drainage standards shall be met to the satisfaction of the City Engineer and the ADD of LDR.
12. Fencing shall not interfere with wildlife movement through significant MSCP identified corridors.

The following mitigation measures would reduce the direct impact of the offsite sewer improvement on sensitive species to below a level of significance.

Mitigation Measure 5.7-8: Prior to the issuance the first grading permit for the offsite sewer improvement, the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

1. A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) recovery permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 dB(A) hourly average for the presence of the coastal California gnatcatcher. Surveys for the coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If gnatcatchers are present, then the following conditions must be met:
 - A. Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
 - B. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the ADD of LDR at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
 - C. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that

noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

- * Construction noise shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ADD of LDR, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level, if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.
2. If coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
 - A. If this evidence indicates the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition 1 shall be adhered to as specified above.
 - B. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

Mitigation Measure 5.7-9: Prior to the issuance of the first grading permit for the offsite sewer improvement, the ADD of LDR (or appointed designee) shall verify that the following project requirements regarding the southwestern willow flycatcher are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between May 1 and September 1, the breeding season of the southwestern willow flycatcher, until the following requirements have been met to the satisfaction of the ADD of LDR:

1. A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) recovery permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the southwestern willow flycatcher. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If the southwestern willow flycatcher is present, then the following conditions must be met:

- A. Between May 1 and September 1, no clearing, grubbing, or grading of occupied southwestern willow flycatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
 - B. Between May 1 and September 1, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied southwestern willow flycatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the ADD of LDR at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
 - C. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the southwestern willow flycatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 1).
 - * Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ADD of LDR, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.
2. If southwestern willow flycatcher are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the ADD of LDR and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between May 1 and September 1 as follows:

- A. If this evidence indicates the potential is high for southwestern willow flycatcher to be present based on historical records or site conditions, then condition 1 shall be adhered to as specified above.
- B. If this evidence concludes that no impacts to this species are anticipated, no further mitigation measures are necessary.

Mitigation Measure 5.7-10: Prior to the issuance of the first grading permit for the offsite sewer improvement, the ADD OF LDR (or appointed designee) shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met to the satisfaction of the ADD of LDR.

1. A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) recovery permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the least Bell's vireo. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If the least Bell's vireo is present, then the following conditions must be met:
 - A. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
 - B. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied least Bell's vireo habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the ADD of LDR at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
 - C. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be

conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 15).

- * Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ADD of LDR, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.
2. If least Bell's vireo are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the ADD of LDR and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15, as follows:
 - A. If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then condition 1 shall be adhered to as specified above.
 - B. If this evidence concludes that no impacts to this species are anticipated, no further mitigation measures are necessary.

Mitigation Measure 5.7-11: If construction for the offsite sewer improvement occurs during the raptor breeding season (February 1 through September 15), a preconstruction survey shall be conducted and no construction shall occur within 300 feet of any identified nest(s) until the young fledge. Should the biologist determine that raptors are nesting, an appropriate noise buffer area shall be established in coordination with EAS staff.

HISTORICAL RESOURCES

The following measures shall be implemented for construction of the offsite sewer replacement.

Mitigation Measure 5.8-1: As a condition of project approval, the applicant is required to conduct an Archaeological Research Design and Data Recovery Program (ARDDRP) for archaeological site (CA-SDI-12556). Based on the LDR-approved research design a phased data recovery program shall be implemented. The data recovery program shall include up to 15 percent of the area to be impacted. The area in which data recovery occurs shall be based on the

final sewer improvement plans. A qualified archaeologist shall review the final construction plan and determine the area of potential impact. **The ADRP shall be subject to approval by the ADD Environmental Designee prior to issuance of a grading permit for the offsite sewer improvement and subsequent wetland revegetation.**

An archaeologist shall monitor all grading and earthmoving activities during construction for the offsite sewer improvement and during wetland revegetation activities within the vicinity of CA-SDI-12556 and within Genesee Avenue. Should burials/cremations or features be located, grading and/or earthmoving activities shall be halted for a period of time sufficient to allow for excavation and removal. Analysis of artifacts and ecofacts recovered during monitoring will also be included in the final report.

1. Prior to Preconstruction (Precon) Meeting

a. Land Development Review (LDR) Plan Check

- (1) Prior to the preconstruction meeting, or issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits for the offsite sewer improvement, the Assistant Deputy Director (ADD) Environmental Designee shall verify that the requirements for the **ARCHAEOLOGICAL DATA RECOVERY PROGRAM (ADRP) have been noted on the appropriate construction documents.**

b. Letters of Qualification have been submitted to ADD

- (1) Prior to the preconstruction meeting, recordation of the first final map, NTP, and/or any permits, including but not limited to, issuance of a Grading Permit, Demolition Permit or Building Permit for the offsite sewer improvement, the applicant shall provide a letter of verification to the ADD Environmental Designee stating that a qualified Archaeologist, as defined in the City's Historical Resources Guidelines (HRG), has been retained to implement the ADRP. **If applicable, individuals involved in the archaeological program must have completed the 40-hour HAZWOPER training with certification documentation. ALL PERSONS INVOLVED IN THE ADRP AND MONITORING OF THIS PROJECT SHALL BE APPROVED BY THE ADD ENVIRONMENTAL DESIGNEE PRIOR TO THE START OF THE PROJECT.**
- (2) A Native American Monitor, if applicable, shall be present during initial excavation/grading of undisturbed ground in the event that cultural features or human remains are found and the procedures set forth in Section 2.e shall be implemented.

2. Precon Meeting

a. Qualified Archaeologist Shall Attend Precon Meetings

- (1) Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the Archaeologist, Construction Manager and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and Mitigation Monitoring Coordination (MMC). The qualified Archaeologist shall attend any grading related Precon Meetings to make comments and/or suggestions concerning the ADRP with the Construction Manager and/or Grading Contractor.

- (2) If the Monitor is not able to attend the Precon Meeting, the RE or BI, if appropriate, will schedule a focused Precon Meeting for MMC, EAS staff, as appropriate, Monitors, the Construction Manager, and appropriate Contractor's representatives to meet and review the job onsite, prior to start of any work that requires monitoring.
- b. Identify Areas involved in ADRP
 - (1) At the Precon Meeting, the Archaeologist shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies areas involved in the ADRP, as well as areas that may require delineation of grading limits.
 - (2) Prior to the issuance of grading permits or NTP, the area involved in the ADRP shall be surveyed, staked and flagged by the qualified archaeologist, as defined above.
- c. When ADRP Will Occur
 - (1) Prior to the start of work, the Archaeologist shall also submit a construction schedule to MMC through the RE or BI, as appropriate, indicating when and where the ADRP is to begin and shall notify MMC of the start date for work.
- d. ADRP Implementation
 - (1) Prior to the issuance of grading permits or NTP, the owner/permittee shall implement the approved ADRP, satisfactory to the ADD Environmental Designee. The ADRP shall include a three-phased excavation program in which the sample size to be excavated will be determined in consultation with City staff and will vary with the nature and size of the archaeological site.
 - (2) Following the data recovery excavations, the areas to be impacted shall be mechanically excavated under the direction of the qualified archaeologist to recover any additional cultural features and/or artifact concentrations using standard archaeological procedures.
- e. Human Remains
 - (1) If human remains are discovered, work shall be halted in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) will be taken:
 - (2) Notification
 - (a) The Archaeological Monitor shall notify the RE or BI as appropriate, MMC and the Principal Investigator (PI), if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
 - (b) The PI shall notify the Medical Examiner, after consultation with the RE, either in person or via telephone.
 - (3) Isolate discovery site
 - (a) Work will be redirected away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner, in consultation with the PI, concerning the provenience of the remains.
 - (b) The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.

- (c) If a field examination is not warranted, the Medical Examiner shall determine, with input from the PI, if the remains are or are most likely to be of Native American origin.
- (4) If Human Remains are determined to be Native American
 - (a) The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, ONLY the Medical Examiner can make this call.
 - (b) The NAHC will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination.
 - (c) The NAHC will identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
 - (d) The PI will coordinate with the MLD for additional coordination.
 - (e) Disposition of Native American human remains will be determined between the MLD and the PI, IF:
 - i. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR
 - ii. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, the landowner or their authorized representative shall re-inter the human remains and all associated grave goods with appropriate dignity, on the property in a location not subject to subsurface disturbance. Information on this process will be provided to the NAHC.
- (5) If Human Remains are NOT Native American
 - (a) The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 - (b) The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 - (c) If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for reinterment of the human remains shall be made in consultation with MMC, EAS, the landowner, and the Museum of Man.
- f. Notification of Completion of ADRP
 - (1) The Archaeologist shall notify MMC and the RE or BI, as appropriate, in writing of the end date of the ADRP.

3. Post Construction

- a. Handling and Curation of Artifacts and Letter of Acceptance
 - (1) The Archaeologist shall be responsible for ensuring that all cultural remains collected are cleaned, catalogued and permanently curated with an appropriate institution; that a letter of acceptance from the curation institution has been submitted to MMC; that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
 - (2) Curation of artifacts associated with the survey, testing and/or data recovery for this project shall be completed in consultation with LDR and the Native American representative, as applicable.

- b. Final Results Reports (Monitoring and Research Design And Data Recovery Program)
 - (1) Prior to the release of the grading bond, two copies of the Final Results Report (even if negative) and/or evaluation report, if applicable, which describes the results, analysis and conclusions of the ADRP (with appropriate graphics) shall be submitted to MMC for approval by the ADD Environmental Designee.
 - (2) MMC shall notify the RE or BI, as appropriate, of receipt of the Final Results Report.
- c. Recording Sites with State of California Department of Park and Recreation
 - (1) The Archaeologist shall be responsible for updating the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B associated with the ADRP in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Results Report.
- d. Handling and curation of artifacts and Letter of Acceptance
 - (1) The archaeologist shall be responsible for ensuring that all cultural materials and associated records collected during the initial archaeological survey and evaluation phase, implementation of the ADRP, or as a result of construction related excavation are cleaned, catalogued and permanently curated with an appropriate institution; that a letter of acceptance from the curation institution is submitted to MMC; that all artifacts are analyzed to identify function and chronology, as they relate to the history of the area, and to allow a comparison with previous nearby studies; that faunal material is identified as to species; and that specialty studies are completed, as appropriate, including obsidian hydration and sourcing analysis, protein residue studies and radiocarbon dating.
 - (2) Curation of artifacts associated with this program shall be completed in consultation with LDR and the Native American representative, as appropriate.
- e. On completion of the ADRP and prior to issuance of grading permits, the qualified archaeologist shall attend a second preconstruction meeting to make comments and/or suggestions concerning the proposed grading process.

Mitigation Measure 5.8-2: The following Mitigation Monitoring and Reporting Program for archaeological resources shall also be implemented for the offsite sewer replacement and wetland revegetation.

I. Prior to Permit Issuance

A. Land Development Review (LDR) Plan Check

- 1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.

- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI and Native American representative, if applicable, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final

Monitoring Report. The letter shall also indicate that that no further work is required.

D. Pipeline Discovery

1. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
 - a. Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D".
2. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.
 - a. Note: For Pipeline Trenching Projects Only. If the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.
 - b. Note, for Pipeline Trenching Projects Only: If significance can not be determined, the Final Monitoring "Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
3. If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains ARE determined to be Native American

1. The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, **ONLY** the Medical Examiner can make this call.

2. The NAHC shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
3. NAHC shall identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
4. The PI shall coordinate with the MLD for additional consultation.
5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
- D. If Human Remains are **NOT** Native American
 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man.

V. Night Work

- A. If night work is included in the contract
 1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVr and submit to MMC via fax by 9am the following morning, if possible.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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CHAPTER 12.0

REFERENCES

California, State of, Air Resources Board

State Implementation Plan. Dated 1996.

California, State of, Department of Conservation

Mineral Land Classification: Aggregate Minerals in the Western San Diego County Production – Consumption Region. Dated 1982.

California, State of, Water Resources Board

Water Quality Control Plan for the San Diego Basin. Dated 1994.
2002 CWA Section 303(d) List of Water Quality Limited Segment. Dated February, 2003.

San Diego, City of

City of San Diego Significance Determination Thresholds, dated May 2004
City of Villages/General Plan Update, www.sandiego.gov/cityofvillages/index.shtml.
Costa Verde Specific Plan. Dated June 23, 1986.
Draft EIR for La Jolla Commons. Dated July 28, 2000.
Final EIR for La Jolla Crossroads. Dated October 25, 2000.
Metropolitan Wastewater District, www.ci.san-diego.ca.us/mwwd.
Noise Ordinance. Dated September 1973.
Progress Guide and General Plan. Dated October 1992.
Storm Water Standards, www.sandiego.gov/stormwater/program/index.shtml.
Transit-Oriented Development Design Guidelines. Dated August 4, 1992.
University Community Plan. Dated January 2000.

San Diego County Regional Airport Authority

Airport Land Use Compatibility Plan MCAS Miramar. Dated October 2004.
San Diego County Airport Land Use Compatibility Plan. Dated March 2005.

Sempra

Sempra 1998 Home Energy Survey

CHAPTER 13.0

INDIVIDUALS AND ORGANIZATIONS CONSULTED

Anders, Scott, San Diego Regional Energy Office

Burke, Richard, University City Community Branch Library

Carlson, Mary, Carlson Solar

Dalton, Joe, San Diego Crime Analysis Lab

MacPhail, Roy, San Diego City Schools

Mulligan, Heather, U.S. Department of Energy

Roehris, Jeff, Carlson Solar

Rynerson, Charles, San Diego City Schools

Sannwald, William, San Diego Public Library

Taormina, Joe, San Diego Fire and Life Safety Services

Tilotta, Mary Anne, City of San Diego Engineering and Capital Projects Department

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CHAPTER 14.0

CERTIFICATION PAGE

This Environmental Impact Report was prepared by the Environmental Analysis Section of the City of San Diego Land Development Review Division in the Development Services Department (DSD). The following professional staff participated in its preparation:

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**VOLUME III
APPENDICES
for the
FINAL
ENVIRONMENTAL IMPACT REPORT
for the proposed
MONTE VERDE**

**Project No. 6563
SCH No. 2003091106**

Prepared for:

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Prepared by:

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December 22, 2006

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COMMENT LETTERS AND RESPONSES

APPENDIX O

RESPONSE TO COMMENTS

The Draft EIR for the Monte Verde project was circulated for public review and comment between August 14, 2006 and September 27, 2006. The following agencies, organizations, and persons provided written comments on the Draft EIR during public review. A copy of each comment letter along with corresponding responses is included in a "side by side" format to facilitate review. The specific comments and the corresponding responses have each been given a numeric reference.

Letter No.	Author	Address	Date	Representing	Page Number of Letter
FEDERAL					
1.	Thorton, C.L.	P.O. Box 452002 San Diego, CA 92145-2001	September 22, 2006	United States, Marine Corps	RTC-12
STATE					
2.	Holmes, Greg	5796 Corporate Avenue Cypress, CA 90630	August 16, 2006	California Department of Toxic Substances Control	RTC-15
3.	Munoz, Rosa PE	320 West 4 th Street, Suite 500 Los Angeles, CA 90013	September 26, 2006	California Public Utilities Commission	RTC-20
4.	Orso, Mario H.	4050 Taylor Street, M.S. 240 San Diego, CA 92110	September 27, 2006	California, Department of Transportation CALTRANS, District 11	RTC-21
5.	Roberts, Terry	1400 Tenth Street P.O. Box 3044 Sacramento, CA 95812	September 28, 2006	California State Clearing House	RTC-24
6.	Singleton, Dave	915 Capitol Mall, Room 364 Sacramento, CA 95814	August 24, 2006	California Native American Heritage Commission	RTC-26
ORGANIZATIONS					
7.	Burrascano, Cindy	P.O. Box 121390 San Diego, CA 92112	September 11, 2006	California Native Plant Society	RTC-29
8.	Colley, Linda	lcolley@san.rr.com	October 11, 2006	UCPG	RTC-32

RESPONSE TO COMMENTS

Letter No.	Author	Address	Date	Representing	Page Number of Letter
9.	Royle, James W. Jr.	P.O. Box 81106 San Diego, CA 92138-1106	September 24, 2006	San Diego County Archaeological Society, Inc.	RTC-69
INDIVIDUALS					
10.	Adaskin, Joan	4207 Camino Ticino San Diego, CA 92122	September 27, 2006	Self	RTC-70
11.	Agan, Sandy	1612 Shields Avenue Encinitas, CA 92024	September 27, 2006	Self	RTC-73
12.	Aizuss, Robert	2957 Briand Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-74
13.	Allemann, Amy	3214 Millikin Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-75
14.	Ardeleanu, Marius MD	7948 Playmor Terrace San Diego, CA 92122	September 27, 2006	Self	RTC-76
15.	Arko, Sally	6053 Carnegie Street San Diego, CA 92122	September 27, 2006	Self	RTC-77
16.	Baily, Joe	Baileyjoseph@yahoo.com	September 27, 2006	Self	RTC-79
17.	Barden, Stephane	baoshiyuan@hotmail.com	September 27, 2006	Self	RTC-80
18.	Bartindale, Rose	3191 Carnegie Place San Diego, CA 92122	September 27, 2006	Self	RTC-81
19.	Bassler, Sandy and Jim	3026 Award Row San Diego, CA 92122	September 27, 2006	Self	RTC-82
20.	Bean, Allison	3844 Camino Lindo San Diego, CA 92122	September 27, 2006	Self	RTC-83
21.	Bender, Karen	2879 Angell Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-84
22.	Bender, Paul	pebender@san.rr.com	September 26, 2006	Self	RTC-85
23.	Bendette, Al	5728 Honors Drive San Diego, CA 92122	September 27, 2006	Self	RTC-86
24.	Berk, Meryl	5505 Stresemann Street San Diego, CA 92122	September 26, 2006	Self	RTC-87
25.	Blattner, Marguerite	7736 Camino Noguera San Diego, CA 92122	September 27, 2006	Self	RTC-88

RESPONSE TO COMMENTS

Letter No.	Author	Address	Date	Representing	Page Number of Letter
26.	Boals, Mary Anna	7867 Camino Kiosco San Diego, CA 92122	September 27, 2006	Self	RTC-90
27.	Bolivar, Kim	4070 Porte de Palmas #13 San Diego, CA 92122	September 27, 2006	Self	RTC-91
28.	Bonnefous, Celine	4425 Via Sepulveda San Diego, CA 92122	September 27, 2006	Self	RTC-92
29.	Bowles, Kathy	3142 Carnegie Place San Diego, CA 92122	September 27, 2006	Self	RTC-93
30.	Boyle, Pamela	4120 Porte De Merano #79 San Diego, CA 92122	September 27, 2006	Self	RTC-94
31.	Breher, Joan and Bill	3295 Welmer Place San Diego, CA 92122	September 27, 2006	Self	RTC-95
32.	Burch, Hallie	2667 Angell Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-96
33.	Burch, Peter	Dpeter1@san.rr.com	September 27, 2006	Self	RTC-97
34.	Covalt, Frank	5811 Tulane Street San Diego, CA 92122	September 26, 2006	Self	RTC-98
35.	Cox, Erma	5062 Mt. Gaywas Drive San Diego, CA 92117	September 27, 2006	Self	RTC-99
36.	Crevosshay, Fay	6045 Tulane Street San Diego, CA 92122	September 27, 2006	Self	RTC-100
37.	Cronin, Ciaran	3176 Bunche Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-101
38.	Dang, Elle	3466 Millikin Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-102
39.	Day, Dianne	10010 North Torrey Pines Road La Jolla, CA 92037	September 27, 2006	Self	RTC-103
40.	de Andrade, Marcio Ph.D.	3431 Villanova Avenue San Diego, CA 92122	September 26, 2006	Self	RTC-104
41.	DeMaria-Penfield, Christine	2739 Curie Place San Diego, CA 92122	September 26, 2006	Self	RTC-105
42.	Desterhaft, Stephen W.	3063 Fried Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-106

RESPONSE TO COMMENTS

Letter No.	Author	Address	Date	Representing	Page Number of Letter
43.	Dougherty, Drew	drew@leadershipdna.com	September 27, 2006	Self	RTC-107
44.	Duggan, Charlie Faye	5562 Renaissance Avenue San Diego, CA 92122	September 26, 2006	Self	RTC-108
45.	Eisen, Jon	3275 Welmer Place San Diego, CA 92122	September 26, 2006	Self	RTC-109
46.	Engel, Margaret	4451 Huggins Street San Diego, CA 92122	September 27, 2006	Self	RTC-110
47.	Evans, Alice Pearl	4235 Porte de Palmas #182 San Diego, CA 92122	September 26, 2006	Self	RTC-111
48.	Evans, John Lee	5371 Bragg Street San Diego, CA 92122	September 27, 2006	Self	RTC-112
49.	Finch, James D.	7874 Camino Glorita San Diego, CA 92122	September 27, 2006	Self	RTC-113
50.	Fisher, Lelsey	5353 Blothe Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-114
51.	Floyd, Ronald A.	5640 Lord Cecil Street San Diego, CA 92122	September 27, 2006	Self	RTC-115
52.	Forgey, Larry and Gail	3577 Wellesly Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-117
53.	Forman, Jack	4165 Porte de Palmas, #195 San Diego, CA 92122	September 27, 2006	Self	RTC-118
54.	Foster, Steve and Susan	3190 Mercer Lane San Diego, CA 92122	September 27, 2006	Self	RTC-119
55.	Foster, Susan	3190 Mercer Lane San Diego, CA 92122	September 27, 2006	Self	RTC-120
56.	Friedman, Edward	efriedman@msn.com	September 26, 2006	Self	RTC-121
57.	Fuentes, Leah	Martiangirl05@yahoo.com	September 26, 2006	Self	RTC-122
58.	Fuhrman, Randy	2645 Gobat Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-123
59.	Gator, Wally	boxersbreath@yahoo.com	September 27, 2006	Self	RTC-125
60.	Geyerman, Cheryl	5520 Soderblom Court San Diego, CA 92122	September 27, 2006	Self	RTC-126

RESPONSE TO COMMENTS

Letter No.	Author	Address	Date	Representing	Page Number of Letter
61.	Geyerman, Larry	5920 Scripps Street San Diego, CA 92122	September 26, 2006	Self	RTC-127
62.	Giffen, Connie and Allen	5434 Bothe Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-128
63.	Grevich, Justin James	jgrevich@gmail.com	September 26, 2006	Self	RTC-129
64.	Hale, Nina	5372 Bragg Street San Diego, CA 92122	September 27, 2006	Self	RTC-130
65.	Hale, Tom	5372 Bragg Street San Diego, CA 92122	September 27, 2006	Self	RTC-132
66.	Halevy, S	6246 Ohm Court San Diego, CA 92122	September 26, 2006	Self	RTC-134
67.	Hamel, Alan	2933 Gobat Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-135
68.	Harris, Christine	3521 Stetson Avenue San, Diego, CA 92122	September 27, 2006	Self	RTC-136
69.	Hassler, Brian	hasslebc@juno.com	September 27, 2006	Self	RTC-137
70.	Hauck Lane and Marilyn Wong Luke, Ahlin	5346 Bragg Street San Diego, CA 92122-4102	September 27, 2006	Self	RTC-138
71.	Heinz, Heather and Sven	7853 Camino Tranquilo San Diego, CA 92122	September 27, 2006	Self	RTC-139
72.	Heinz, Dr. Sven	7853 Camino Tranaquilo San Diego, CA 92122	September 27, 2006	Self	RTC-140
73.	Anonymous		September 27, 2006	Self	RTC-141
74.	Henshaw, Phil and Barbara	bhenshaw@san.rr.com	September 27, 2006	Self	RTC-142
75.	Hiatt, Richard	8515 Costa Verde Boulevard, #1410 San Diego, CA 92122	September 26, 2006	Self	RTC-143
76.	Hom, Greg	6308 Bunche Way San Diego, CA 92122	September 26, 2006	Self	RTC-144
77.	Huckabee, Phyllis	P.O. Box 22159 San Diego, CA 92192	September 27, 2006	Self	RTC-145

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Letter No.	Author	Address	Date	Representing	Page Number of Letter
78.	Jacobson, Scott	2930 Briand Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-146
79.	Jessup, Amos	amos@san.rr.com	September 26, 2006	Self	RTC-147
80.	Jessup, Daly	Jessup@san.rr.com	September 27, 2006	Self	RTC-148
81.	Jones, Donna D. Sheppard, Mullin, Richter & Hamilton LLP	501 West Broadway, 19 th Floor San Diego, CA 92101-3598	September 26, 2006	Regency Centers (Costa Verde Shopping Center)	RTC-150
82.	Kacev, Les	3242 Lahitte Ct. San Diego, CA 92122	September 27, 2006	Self	RTC-152
83.	Katzer, David	Drdekay2@aol.com	September 27, 2006	Self	RTC-153
84.	Keeler, David and Phyliss	dpkeeler@hotmail.com	September 27, 2006	Self	RTC-154
85.	Kilma, MaryAnn	5672 Carnegie Street San Diego, CA 92122	September 26, 2006	Self	RTC-155
86.	Koshi, Michael	3928 Camino Calma San Diego, CA 92122	September 27, 2006	Self	RTC-156
87.	Knight, Deborah	6840 Fisk Avenue San Diego, CA 92122	September 26, 2006	Self	RTC-157
88.	Kurtz, Linda	lkurtz@san.rr.com	September 27, 2006	Self	RTC-164
89.	LaMarche, Jeffrey	8186 Regents Road, Apt. 204 San Diego, CA 92122	September 27, 2006	Self	RTC-165
90.	Landau, Judith	5989 Agee Street San Diego, CA 92122	September 27, 2006	Self	RTC-166
91.	Langan, Alisa	2523 Quidde Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-167
92.	Langan, Patricia	2523 Quidde Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-168
93.	Langan, Patrick	2523 Quidde Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-169
94.	Larsen, Richard M	3863 Camino Lindo San Diego, CA 92122	September 26, 2006	Self	RTC-170
95.	Lawrance, Marjorie G.	5917 Agee Street San Diego, CA 92122	September 26, 2006	Self	RTC-171

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Letter No.	Author	Address	Date	Representing	Page Number of Letter
96.	Leavenworth, Michael	7942 Playmor Terrace San Diego, CA 92122	September 26, 2006	Self	RTC-172
97.	Leland, David	8867 Villa La Jolla Drive, Apt. 30 La Jolla, CA 92037	September 26, 2006	Self	RTC-173
98.	Lijphart, Arend	4276 Caminito Terviso San Diego, CA 92122-1971	September 27, 2006	Self	RTC-174
99.	Lira, Carmen	6188 Agee Street San Diego, CA 92122	September 27, 2006	Self	RTC-175
100.	Lolly, Michele	3145 Galloway Drive San Diego, CA 92122	September 27, 2006	Self	RTC-176
101.	Lynch, David	2620 San Clemente Terrace San Diego, CA 92122	September 27, 2006	Self	RTC-177
102.	Martine, Dianne	martines@san.rr.com	September 27, 2006	Self	RTC-178
103.	Mazur, Chris	767 Bellevue Place La Jolla, CA 92037	September 27, 2006	Self	RTC-179
104.	McDaniel, David and Joni	3346 Millikin Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-180
105.	McKnight, Mimi	3172 Carnegie Place San Diego, CA 92122	September 27, 2006	Self	RTC-181
106.	Mered, Nora	3942 Camino Calma San Diego, CA 92122	September 27, 2006	Self	RTC-182
107.	Miner, Angela	4572 Pauling Avenue San Diego, CA 92122	September 26, 2006	Self	RTC-184
108.	Morley, Annie	annie@amorleydesign.com	September 27, 2006	Self	RTC-185
109.	Morrison, Robert F., PhD	6137 Syracuse Way San Diego, CA 92122-3328	September 27, 2006	Self	RTC-186
110.	Morrison-Velasco, Sharon Ph.D.	2501 Angell Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-187
111.	Norden, Hans	3831 Camino Lindo San Diego, CA 92122	September 27, 2006	Self	RTC-188
112.	Norkus, Dorothy A.	8076 Camino Huerta San Diego, CA 92122	September 26, 2006	Self	RTC-189

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Letter No.	Author	Address	Date	Representing	Page Number of Letter
113.	Olivera, Martin	3707 Millikin Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-190
114.	Orr, Carol	Corr1@san.rr.com	September 27, 2006	Self	RTC-191
115.	Pak, Maria	3105 Ducommun Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-192
116.	Parks, Dr. Paul B.	4126 Camino Ticino San Diego, CA 92122	September 27, 2006	Self	RTC-193
117.	Pashler, Hal	3521 Stetson Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-194
118.	Patterson, Noah	4095 Rosenda Court, Unit 252 San Diego, CA 92122	September 26, 2006	Self	RTC-195
119.	Petrie, Thomas W.	7934 Caminito Dia, #1 San Diego, CA 92122	September 27, 2006	Self	RTC-196
120.	Piercy, Susan	spiercy@sbcglobal.net	September 27, 2006	Self	RTC-198
121.	Pippen, Nacilee	Nancy.m.pippen@saic.com	September 27, 2006	Self	RTC-199
122.	Ramos, Khara	8186 Regents Road, Apt. 204 San Diego, CA 92122	September 27, 2006	Self	RTC-200
123.	Reardon, Ellen	Emreardon1@yahoo.com	September 27, 2006	Self	RTC-201
124.	Reiger, Ed	ereiger@san.rr.com	September 26, 2006	Self	RTC-202
125.	Remillard, Tom	3255 Millikin Avenue San Diego, CA 92122	September 26, 2006	Self	RTC-203
126.	Riffenburgh, Gerrye	3069 Award Row San Diego, CA 92122	September 27, 2006	Self	RTC-204
127.	Riffenburgh, Robert	3069 Award Row San Diego, CA 92122	September 27, 2006	Self	RTC-206
128.	Rose, Dave	4155 Porte de Merano, Unit 123 San Diego, CA 92122	September 26, 2006	Self	RTC-207
129.	Rosenber, M.C	ceceptri@hotmail.com	September 27, 2006	Self	RTC-208
130.	Salim2nd@aol.com	Salim2nd@aol.com	September 27, 2006	Self	RTC-209
131.	Sakaria, David	dsarkaria@sempra.com	September 27, 2006	Self	RTC-211
132.	Sathyadev, Allan	2545 San Clemente Terrace San Diego, CA 92122	September 26, 2006	Self	RTC-212

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Letter No.	Author	Address	Date	Representing	Page Number of Letter
133.	Saxon, Fred	P.O. Box 22453 San Diego, CA 92912	September 27, 2006	Self	RTC-213
134.	Schmeding, Ellen	2625 Curie Place San Diego, CA 92122	September 27, 2006	Self	RTC-214
135.	Scully, Kathleen	5503 Dalen Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-215
136.	Seiler, Chris	airotay@hotmail.com	September 27, 2006	Self	RTC-216
137.	Shtein, Debbie	3390 Wellesly Avenue San Diego, CA 92122	September 26, 2006	Self	RTC-217
138.	Sibley, Peter	2951 Curie Street San Diego, CA 92123	September 26, 2006	Self	RTC-218
139.	Sickels, Betsy	3173 Occidental Street San Diego, CA 92122	September 27, 2006	Self	RTC-219
140.	Sickels, Bob	3173 Occidental Street San Diego, CA 92122	September 27, 2006	Self	RTC-220
141.	Steinberg, Pamela	4185 Porte de Merano, #155 San Diego, CA 92122	September 27, 2006	Self	RTC-221
142.	Streichler, Jerry	4007 Porte de Palmas, #66 San Diego, CA 92122	September 27, 2006	Self	RTC-223
143.	Swanson, Lee	5520 Soderblom Court San Diego, CA 92122	September 27, 2006	Self	RTC-224
144.	Thor, Dr. Gautam	3861 Camino Lindo, San Diego, CA 92122	September 27, 2006	Self	RTC-225
145.	Ulrich, Kimberley M.	3031 Award Row San Diego, CA 92122	September 26, 2006	Self	RTC-226
146.	van der Gerr, Peter	5500 Campanile Drive, MC 1030 San Diego, CA 92182-1030	September 27, 2006	Self	RTC-227
147.	Villone, Dianne	villoned@san.rr.com	September 26, 2006	Self	RTC-228
148.	Vincent, Paul	2442 Soledad Court La Jolla, CA 92037	September 26, 2006	Self	RTC-229
149.	Warren-Tippets, Judy	5850 Soledad Mountain Road La Jolla, CA 92037	September 27, 2006	Self	RTC-230

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Letter No.	Author	Address	Date	Representing	Page Number of Letter
150.	Webber, Marie T. and Stephen E.	3531 Millikin Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-231
151.	Weber, Dr. Christoph	5957 Erlanger Street San Diego, CA 92122	September 27, 2006	Self	RTC-232
152.	Wegman, Thomas J.	3403 Tony Drive San Diego, CA 92122	September 27, 2006	Self	RTC-233
153.	Wiley, Sandra	3195 Galloway Drive San Diego, CA 92122	September 26, 2006	Self	RTC-234
154.	Williams, Katherine	7833 Camino Glorita San Diego, CA 92122	September 27, 2006	Self	RTC-235
155.	Wilson, Dale	9225 Dowdy Drive, Suite 111 San Diego, CA 92126	September 26, 2006	American Café LLC, (Trophy's)	RTC-236
156.	Wolf, Jeff	2965 Fried Avenue San Diego, CA 92122	September 26, 2006	Self	RTC-238
157.	Wolfe, Mary Anne	4265 Caminito Cassis San Diego, CA 92122-1978	September 27, 2006	Self	RTC-239
158.	Wong, R	3202 Governor Drive San Diego, CA 92122	September 27, 2006	Self	RTC-240
159.	Woo, Mary K.	mwoo@san.rr.com	September 27, 2006	Self	RTC-241
160.	Woodworth, Mark	6283 Buisson Street San Diego, CA 92122	September 26, 2006	Self	RTC-242
161.	Worksham, Milo	4571 Robbins Street San Diego, CA 92122	September 27, 2006	Self	RTC-243
162.	Worcester, Peter	4624 Robbins Street San Diego, CA 92122	September 27, 2006	Self	RTC-244
163.	Wylan, Andrea	7791 Camino Glorita San Diego, CA 92122	September 26, 2006	Self	RTC-245
164.	Yates, Dorit	dorityates@gmail.com	September 27, 2006	Self	RTC-246
165.	Zabrocki, Alan	azabrocki@san.rr.com	September 27, 2006	Self	RTC-247
166.	Zinser, Cheri	3385 Willard Street San Diego, CA 92122	September 27, 2006	Self	RTC-248
167.	Zirino, Barbara	4261 Karensue Avenue San Diego, CA 92122	September 27, 2006	Self	RTC-249

RESPONSE TO COMMENTS

The Draft EIR for the Monte Verde project was circulated for public review and comment between August 14, 2006 and September 27, 2006. The following persons provided written comments on the Draft EIR after the close of public review and no response is required. However, a copy of each comment letter is shown and responses are provided.

Letter No.	Author	Address	Date	Representing	Page Number of Letter
LATE LETTERS					
168.	Bhargava, Valmik PhD	2757 Schenley Terrace San Diego, CA 92122	September 28, 2006	Self	RTC-250
169.	Bryan, John	6265 Hurd Court San Diego, CA 92122	September 28, 2006	Self	RTC-251
170.	Duffy, Michael G.	4120 Porte de Merano, #85 San Diego, CA 92122	September 28, 2006	Self	RTC-252
171.	Ganus, Walter and Louise	wganus@san.rr.com	September 28, 2006	Self	RTC-253
172.	Kruger, Janay	4660 La Jolla Village Drive, Suite 1080 San Diego, CA 92122	October 12, 2007	La Jolla Village Square Community Association	RTC-254
173.	Mandelin, Dorothy	5314 Bloch Street San Diego, CA 92122	September 29	Self	RTC-257
174.	Parker, Jacqueline L.	4185 Porte de Merano, Unit #153 San Diego, CA 92122-1946	September 29, 2006	Self	RTC-259
175.	Pew, Tom	tpew@guhsd.net	September 29, 2006	Self	RTC-261
176.	Runk, Malia	6234 Mercer Street San Diego, CA 92122	October 1, 2006	Self	RTC-263
177.	Struthers, Jeff and Eileen	5854 Carnegie Street San Diego, CA 92122	October 3, 2006	Self	RTC-264

COMMENTS

RESPONSES



UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION MIRAMAR
P.O. BOX 482001
SAN DIEGO CA 92145-2001

IF ONLY REFER TO:
11103
CPAL/PN 6563
September 22, 2006

MR. B. SHEARER-NGUYEN
CITY OF SAN DIEGO
DEVELOPMENT SERVICES CENTER
1222 FIRST AVENUE MS 501
SAN DIEGO CA 92101

Dear Mr. Shearer-Nguyen:

RE: UNIVERSITY COMMUNITY PLAN AMENDMENT; MONTE VERDE PROJECT
ENVIRONMENTAL IMPACT REPORT, JOB ORDER NUMBER 420908, PN 6563

This is in response to Public Notice of a Draft Environmental
Impact Report addressing Monte Verde within the University
Community Planning area.

The proposed site is contained within the "MCAS Miramar AICUZ
Study Area" identified in the 2005 Air Installations Compatible
Use Zones (AICUZ) Update for Marine Corps Air Station (MCAS)
Miramar. This area will be affected by operations of military
fixed and rotary-wing aircraft transiting to and from MCAS
Miramar. The project is located outside the adopted 2004 Airport
Land Use Compatibility Plan (ALUCP) and projected MCAS Miramar
AICUZ (2005) 60-65 dB Community Noise Equivalent Level (CNEL)
noise contours, but within Federal Aviation Regulations (FAR)
Part 77 airspace surface boundaries for MCAS Miramar.

This location will experience noise impacts from the Seawolf
Departures and Ground Controlled Approach (GCA) Box Pattern
Flight Corridors for fixed-wing operations. Additionally, the
site will experience noise impacts from the Beach, Fairways and
GCA Box Pattern Flight Corridors for helicopter operations.

Occupants will routinely see and hear military aircraft and
experience varying degrees of noise and vibration. Consequently,
we are recommending full disclosure of noise and visual impacts
to all initial and subsequent purchasers, lessees, or other
potential occupants.

Due to the strategic proximity to MCAS Miramar and the height of
the proposed structures, the Federal Aviation Administration
(FAA) will need to conduct an obstruction evaluation study to
determine if military flight operations will be impacted. The

1.1 Comment noted. The applicant would provide a disclosure to
future occupants that noise and vibration impacts may occur
due to the proximity to MCAS Miramar. If the units are for-sale
condominiums, the disclosure would be in the DRE subdivision
report disclosures, and if the units are for-rent apartments, it would
be disclosed in the lease agreement.

1.2 The applicant has submitted a Form 7460-1 for each building. The
applicant would comply with the conditions of the FAA findings.

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CP&L/PN 6563
September 22, 2006

initiation of the study requires the completion and submittal of a Notice of Proposed Construction or Alteration (Form 7460-1) to the FAA Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) office. Any subsequent changes to the identified construction height limitations should be re-examined by the OE/AAA office, and a Form 7460-2 will need to be submitted to notify the appropriate agencies and reach formal resolution for conflicts at that time.

1.2
Cont.

In November 2005, Community Plans & Liaison (CP&L) staff received copies of FAA findings from the project proponent for each of the four proposed residential structures. Each study indicated that the structures did not exceed obstruction standards and would not be a hazard to air navigation if the following conditions were met:

- 1) Each structure is marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1 70/7460-1K, Obstruction Marking and Lighting, rad lights - Chapters 4, 5 (Red), and 12.
- 2) Form 7460-2, Part I be submitted to the FAA 10 days prior to the start of construction.
- 3) Form 7460-2, Part II be submitted to the FAA within 5 days after the construction reaches its greatest height.

Additionally, marking and lighting were determined not to be necessary, but if done on a voluntary basis, that it be installed and maintained in accordance with FAA Advisory Circular 70/7460-1 70/7460-1K. CP&L staff would strongly urge the project proponent to mark and light all structures that exceed the MCAS Miramar Outer Horizontal Surface (978 Feet AMSL) for the protection of military pilots that use this airspace for training purposes during day and night time operations.

If the project proponent will adopt the FAA lighting conditions and submit the requested paperwork as indicated, the project will be considered consistent with MCAS Miramar AICUZ guidelines.

Normal hours of operation at MCAS Miramar are as follows:

1.3

Monday through Thursday 7:00 a.m. to 12:00 midnight
Friday 7:00 a.m. to 6:00 p.m.
Saturday, Sunday, Holidays 8:00 a.m. to 6:00 p.m.

MCAS Miramar is a master air station, and as such, can operate 24 hours per day, 7 days per week. Fiscal and manpower constraints, as well as efforts to reduce the noise impacts of our operations

1.3 Comment noted.

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1.3
Cont.

11163
CP&L/PN 6563
September 22, 2006

on the surrounding community, impose the above hours of operation. Circumstances frequently arise which require an extension of these operating hours.

Thank you for the opportunity to review this land use proposal. If we may be of any further assistance, please contact Mr. Juan Line at (858) 577-6603.

Sincerely,



C. L. THORNTON
Community Plans and Liaison Officer
By direction of the Commanding
Officer



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gossen, Director
5706 Corporate Avenue
Cypress, California 90630



Arnold Schwarzenegger
Governor

August 16, 2006

Ms. Elizabeth Shearer-Nguyen
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, California 92101

ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE MONTE VERDE (AKA COSTA VERDE) PROJECT NO. 6563 (SCH# 2003091106)

Dear Ms. Shearer-Nguyen:

The Department of Toxic Substances Control (DTSC) has received a draft EIR for the above-mentioned project. DTSC commented on the previously received Notice of Preparation (NOP) on August 8, 2005.

After reviewing the EIR, it appears that the DTSC's comments have not been addressed. DTSC has provided comments as follows:

2.1

- 1) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated or should a release occur, and the government agency to provide appropriate regulatory oversight. If it is determined hazardous materials or wastes have been used/stored at the site, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state regulations and policies.

2.2

- 2) All environmental investigations, sampling and/or remediation should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous waste cleanup. The findings and sampling results from the subsequent report should be clearly summarized in the EIR. Proper investigation, sampling and remedial

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2.1

Based on a Limited Environmental Assessment (LEA) report regarding the site, prepared by Geocon Consultants, Inc. (Geocon) and dated November 3, 2006, properties of potential environmental concern were not identified within or in proximity to the site. In addition, no releases of hazardous substances and/or wastes are anticipated to occur during the construction of the proposed project. Therefore, investigation and/or remediation activities on the site are needed. A copy of the LEA dated November 2006 is on file with the Environmental Analysis Section of the City of San Diego.

2.2

Based on the findings of the November 2006 LEA report, properties of potential environmental concern were not identified within or in proximity to the site. Therefore, no environmental investigations, sampling, and/or remediation activities are warranted at the site at this time.

COMMENTS

RESPONSES

Ms. Elizabeth Shearer-Nguyen
August 17, 2006
Page 2

2.2
Cont.

actions, if necessary, should also be conducted at the site prior to the new development or any construction, and overseen by a regulatory agency.

- 3) The EIR should identify any known or potentially contaminated sites within the proposed Project area. For all identified sites, the EIR should evaluate whether conditions at the site may pose a threat to human health or the environment. A Phase I Assessment may be sufficient to identify these sites. Following are the databases of some of the regulatory agencies:

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
- Site Mitigation Program Property Database (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control.
- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

2.3

2.4

- 4) If any property adjacent to the project site is contaminated with hazardous chemicals, and if the proposed project is within 2,000 feet from a contaminated site, then the proposed development may fall within the "Border Zone of a Contaminated Property." Appropriate precautions should be taken prior to construction if the proposed project is within a "Border Zone Property."

2.3

As a part of the November 2006 LEA report, the databases referenced in this comment, as well as other databases, were reviewed, and properties of potential environmental concern were not identified within or in proximity to the site.

2.4

As defined in Sections 25117.4 and 25221 of the California Health and Safety Code, a "border zone" property is a property that is located within 2,000 feet of land that has been used for significant disposal of hazardous waste and the wastes so located are a significant existing or potential hazard to present or future public health or safety on the land in question. Based on the LEA report, properties where releases of hazardous substances have occurred are located within 2,000 feet of the site. However, based on the nature of the releases, the distances of the properties from the site, the direction of groundwater flow, and the medium affected (soil), there is little likelihood that these releases present an environmental concern to the site.

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Ms. Elizabeth Shearer-Nguyen
August 17, 2006
Page 3

- 2.5 6) If building structures, asphalt or concrete-paved surface areas or other structures are planned to be demolished, an investigation as proposed should be conducted for the presence of lead-based paints or products, mercury and asbestos containing materials (ACMs). If lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations, policies, and laws.
- 2.6 6) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.
- 2.7 7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5).
- 2.8 8) Certain hazardous waste treatment processes may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 2.9 9) If the project plans include discharging wastewater to a storm drain or surface water, it may be necessary to obtain an NPDES permit from the overseeing Regional Water Quality Control Board (RWQCB).
- 2.10 10) If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the EIR should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.
- 2.11 11) If the site was and/or is used for agricultural activities, onsite soils may contain pesticide, herbicides and agricultural chemical residue. Proper investigation and remedial actions, if necessary, should be conducted at the site prior to construction of the project.

- 2.5 The project would not involve demolition of buildings or other structures on the site. Therefore, there is a low likelihood that mercury-containing equipment (commonly used in thermostats and exit signs in interior portions of buildings) would be encountered during the proposed construction project. If, during future excavation activities, underground pipelines are discovered that may be asbestos-containing, these pipelines would be sampled for the presence of asbestos prior to disturbing the pipelines. Finally, painted surfaces, such as striping on concrete or asphalt pavement, are only likely to be lead-containing if the paint was applied prior to 1979 (lead-based paint was banned in 1978). Since the improvements on the site (i.e., paved surfaces) were completed sometime after 1980, there is little likelihood that lead-based paint is present at the site.
- 2.6 The project would involve some soil excavation in the course of constructing foundations and subterranean parking garages. However, based on the findings of the LEA report, properties of potential environmental concern were not identified within or in proximity to the site. Therefore, soil sampling activities would not be warranted prior to excavation of the on-site soils. It is not anticipated that the project would require importing soils from off-site.
- 2.7 It is not anticipated that the proposed project would generate hazardous wastes.
- 2.8 It is not anticipated that the proposed project would generate hazardous wastes, therefore hazardous waste treatment would not be necessary.
- 2.9 It is not anticipated that the project would require discharging wastewater into a storm drain or surface water. Therefore, it would not be necessary to obtain an NPDES permit.
- 2.10 In the event that undocumented areas of contamination are suspected or encountered during future development activities, work would be discontinued until appropriate health and safety procedures are implemented. A contingency plan would be prepared to address contractor procedures for such an event, to minimize the potential for costly construction delays. In addition, either the San Diego County Department of Environmental Health (DEH) or the California Regional

COMMENTS

RESPONSES

Water Quality Control Board (RWQCB), depending on the nature of the contamination, would be notified regarding the contamination. Each agency and program within the respective agency has its own mechanism for initiating an investigation. The appropriate program (e.g., the DEH Local Oversight Program for tank release cases, the DEH Voluntary Assistance Program for non-tank release cases, the RWQCB for non-tank cases involving groundwater contamination) would be selected based on the nature of the contamination identified. Any contamination remediation and removal activities would be conducted in accordance with pertinent local, state, and federal regulatory guidelines, under the oversight of the appropriate regulatory agency.

- 2.11 Based on the findings of the LEA, the site is not currently and has not historically been used for agricultural activities. Therefore, investigation of the site soils for the presence of agricultural chemical residues would not be necessary.

COMMENTS

RESPONSES

Ms. Elizabeth Shearer-Nguyen
August 17, 2006
Page 4

Please ensure that the above comments are addressed in the EIR. If you have any questions regarding this letter, please contact Mr. Joseph Kaslowski, Project Manager, by phone at (714) 484-5471, or by e-mail at jkaslowski@dtsc.ca.gov.

Sincerely,



Greg Holmes
Unit Chief
Southern California Cleanup Operations Branch – Cypress Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

CEQA# 1489

COMMENTS

RESPONSES

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
325 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90012

ARNOLD SCHWARZENEGGER, Governor



September 26, 2006

F. Shearer-Nguyen
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92101

Dear F. Shearer-Nguyen:

Re: SCH# 2003091106; Monte Verde

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the North County Transit District right-of-way be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians.

Please advise us on the status of the project. If you have any questions in this matter, please contact me at (213) 576-7078 or at rcm@cpuc.ca.gov.

Sincerely,

Rosa Munoz, PE
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: Richard Walker, NCTD

3.1 Installation of the sewer line beneath the tracks used by NCTD would be specifically engineered to maintain the integrity of the tracks. In addition, the sewer line would not generate any traffic which would affect any existing railroad crossings.

3.2 Please see response to comment 3.1.

DEPARTMENT OF TRANSPORTATION
 District 11 - 4030 Taylor Street - M.S. 240
 San Diego, CA 92110
 PHONE (619) 688-6954
 FAX (619) 688-4299



*Fix your power!
 Be energy efficient!*

September 27, 2006

11-SD-005
 PM 28.43

Ms. Elizabeth Shearer-Nguyen
 City of San Diego - Planning Dept.
 1222 First Avenue, MS-501
 San Diego, CA 92101

RE: Monte Verde - Draft EIR (SCH 2003091106)

To Ms. Shearer-Nguyen:

The California Department of Transportation (Caltrans) appreciates the opportunity to review the Draft Environmental Impact Report (EIR) for the proposed Monte Verde project, involving construction of four residential condominium towers with 800 residential units on 4.77 acres between Interstates 5 (I-5) and 805 (I-805) at the intersection of Genesee Avenue and La Jolla Village Drive in the City of San Diego. We have the following comments.

4.1

According to the EIR, this proposed development will produce approximately 4,800 Average Daily Trips (ADT). This added traffic may potentially impact existing and future state transportation facilities in the area (e.g., I-5, I-805, SR-52, and associated on- and off-ramps). Unfortunately Caltrans never received the revised Traffic Impact Analysis dated December 2004 by Kimley-Horn & Associates (KH&A) which is referred to in the EIR. Therefore it is difficult to evaluate the conclusions and recommendations put forth in the EIR document. At the very least, Caltrans would like to see the projected trip distribution as well as peak hour traffic volumes (existing and future) as well as peak hour turning movements at the freeway ramp intersections. These State-owned signalized intersections (e.g., I-5 / La Jolla Village Dr.) must be analyzed using the Intersecting Lane Vehicle (ILV) procedure from the Caltrans *Highway Design Manual* Topic 406, page 400-21 using the year 2030 traffic forecast (including project-generated traffic and cumulative traffic from other developments in the area).

4.2

Cumulative impacts of a project, together with other related or nearby projects, must be considered when determining a project's impacts. A cumulative impact is the sum of the impacts of existing conditions, other projects, and the project itself - no matter how small the contribution is from the project itself. There is no minimum size limitation on projects that may be required to mitigate for cumulative impacts if a project contributes to a traffic problem in any amount. Caltrans supports the concept of "fair share" contributions for future improvement projects and/or other mitigation measures due to traffic impacts created by

"Caltrans improves mobility across California"

4.1

The traffic study referenced in the comment was included as Appendix D to the DEIR, which was separately bound as Volume II. The traffic study was circulated with the DEIR to those who requested Appendices, and was available for public review upon request. At the commenter's request, a copy of the traffic study was sent to Caltrans on November 8, 2006. The traffic analysis in the DEIR was based on, and is consistent with, the traffic study.

At the commenter's request, a traffic distribution and assignment exhibit is included as Attachment 1 to these responses to comments. The exhibit shows traffic added to the freeway segments, ramps, and ramp termini (intersections) for the 800 dwelling unit project. This exhibit also shows the overall project distribution (from Figure 4-1 of the traffic study). As shown in the exhibit, the project sends fewer than 50 peak hour directional trips to Caltrans intersections and ramps.

The commenter also requests that long-term modeling consider traffic levels forecast as of 2030. The traffic study was based on the SANDAG's Series 9 2020 traffic forecast model. This model contained all the traffic related to the plan amendment projects in the study area. Comparisons to the SANDAG's Series 10 2030 traffic forecast model were made and results indicated in the volumes used for the project were similar.

COMMENTS

RESPONSES

4.2

A cumulative impact analysis was performed considering known projects, as listed on pages 6-1 through 6-4 of the DEIR. The Monte Verde project's traffic, along with that of other known cumulative projects, was evaluated in the cumulative traffic impact analysis. The analysis is based on a forecast of traffic conditions in 2020.

The commenter notes that Caltrans supports fair-share contributions for future improvement projects to mitigate a development project's impacts. The project's traffic study shows impacts at metered freeway on-ramps which would be partially mitigated by Mitigation Measure 5.2-2. As shown in Table 5.2-19, this mitigation includes a payment of \$384,000 towards improvement projects along I-5.

COMMENTS

RESPONSES

Ma. Elizabeth Shearer-Nguyen
September 27, 2006
Page 2

4.2
Cont.

development. Potential improvements may include - but not be limited to - future interchange improvement projects (e.g., I-5 / La Jolla Village Dr.) and/or other mitigation measures, such as widening existing ramps, ramp metering, modification to ramp signals, and/or adding auxiliary lanes to I-5. Caltrans is currently developing the I-5 North Coast project in order to increase capacity on the I-5 corridor through this area.

4.3

According to the Draft EIR, as mitigation for traffic impacts, the applicant / developer is proposing construction of a 1,000 foot eastbound (EB) right turn (RT) storage lane along Nobel Drive and contribution of \$384,000 towards improvement project along I-5. Lacking the revised TIA for review as noted above, Caltrans finds it impossible at this time to determine if this proposed mitigation meets the standard for "fair share."

Caltrans appreciates the opportunity to review this development proposal. For questions regarding the Department's comments, please contact Brent C. McDonald at (619) 688-6819.

Sincerely,


MARIO H. ORSO, Chief
Development Review Branch

c: BMcDonald Dev. Rvw. MS-240
EGojuangoo Frwy. Ops. MS-230
SMorgan State ClearingHouse(SCH)
AJacobs PPM MS-132

"Caltrans improves mobility across California"

4.3

As described in the previous two responses, no revisions to the TIA are considered necessary. The DEIR included an analysis of cumulative traffic conditions. The \$384,000 fair share was calculated by multiplying the 384 daily project trips by the cost of \$1,000 per trip. The DEIR acknowledges that the ramp meter mitigations do not fully mitigate the project's near-term impact as the contribution would be used for future improvements.

COMMENTS

RESPONSES



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Seah Walsh
Director

September 28, 2006

E. Shearer-Nguyen
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92101

Subject: Monte Verde (aka Costa Verde)
SCH#: 2003091106

Dear R. Shearer-Nguyen:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 27, 2006, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET, P.O. BOX 2044, SACRAMENTO, CALIFORNIA 95812-2044
TEL (916) 445-0613 FAX (916) 323-8018 www.opr.ca.gov

5.1 Comment noted. No issues regarding the adequacy of the DEIR are identified.

COMMENTS

RESPONSES

Document Details Report
State Clearinghouse Data Base

SCH# 2003091106
Project Title Monte Verde (aka Costa Verde)
Lead Agency San Diego, City of

Type EIR Draft EIR
Description University Community Plan Amendment, Costa Verde Specific Plan Amendment, Vesting Tentative Map, Planned Development Permit, Site Development Permit, Public Right-of-Way and Easement Vacations, and Right of Entry Permit for the construction of four high-rise residential buildings with a combined area of 1,771,000 square feet, and 1,852 parking spaces in subterranean parking structures. Tower height would range from 390 and 385 feet above existing ground level and between 32 and 35 stories. The towers would consist of 800 units of a combination of for-rent apartments and for-sale condominiums, or entirely condominiums depending on market conditions.

Lead Agency Contact

Name E. Shearer-Nguyen
Agency City of San Diego
Phone 619.446.5369 Fax
Address 1222 First Avenue, MS-501
City San Diego State CA Zip 92101

Project Location

County San Diego
City La Jolla
Region
Cross Streets La Jolla Village Dr., Genesee Avenue
Parcel No.
Township Range Section Base

Proximity to:

Highways 52
Airports MCAS Miramar, Montgomery Field
Railways SDNR Coastal
Waterways Pacific Ocean / Rose Creek
Schools
Land Use Current Zone: RS-1-7
Land Use: Hotel

Project Issues Air Quality; Archaeology-Historic; Geologic/Seismic; Noise; Public Services; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Wildlife; Land Use; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 5; California Coastal Commission; Office of Historic Preservation; Department of Parks and Recreation; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 11; Department of Housing and Community Development; Department of Health Services; Public Utilities Commission; Native American Heritage Commission; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 9

Date Received 08/14/2006 Start of Review 08/14/2006 End of Review 09/27/2006

Note: Blanks in data fields result from insufficient information provided by lead agency.

COMMENTS

RESPONSES

STATE OF CALIFORNIA

ANALYST: [Redacted]

NATIVE AMERICAN HERITAGE COMMISSION

618 CAPITOL MALL, ROOM 304
SACRAMENTO, CA 95814
(916) 833-4000
Fax (916) 837-5000
Web Site: www.nahc.ca.gov



August 24, 2008

CITY OF SAN DIEGO
ATTN: F. Shearer-Nguyen
1222 First Avenue, MS 501
San Diego, CA 92101

Re: SCH#2003091108: CEQA Notice Of Completion: Draft Environmental Impact Report (EIR): Community Plan Amendment, Land Division and Planned Mixed Use Development, San Diego County, California

Dear F. Shearer-Nguyen:

Thank you for the opportunity to comment on the above-referenced document. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archeological resources, is a "significant effect" requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the area of project effect (APE), and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS). The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
 - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact, particularly the contacts of the on the list.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- ✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
 - CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the Initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the

- 6.1 DEIR Section 5.8 includes an analysis of the project's potential impact on historical resources. The analysis relied upon the cited definition of significant historic resource.
- 6.2 As indicated in Section 5.8 of the DEIR, a record search for the entire sewer alignment was conducted at the South Coastal Information Center at San Diego State University.
- 6.3 The final report containing site forms, site significance, and mitigation measures has been submitted to the City of San Diego. All confidential information was placed in a confidential addendum, not available for public disclosure. The final accepted report would be submitted within three months to the SDSU South Coastal Information Center.
- 6.4 The Sacred Lands File search of the project area was conducted by Dennis Gallegos on July 19, 2005 with appropriate maps and information. In addition, both the Notice of Preparation and the DEIR were circulated to the Native American Heritage Commission for its review and comment. The NAHC submitted comments on the NOP, and those comments were considered in the preparation of the EIR.
- 6.5 Letters were sent to all individuals identified by the Native American Heritage Commission to be contacted. Native American letters received in response to this request were forwarded to the City of San Diego.
- 6.6 Mitigation Measures 5.8-1 and 5.8-2 include provisions for archaeological resources unearthed during grading activities.
- 6.7 Mitigation Measures 5.8-1 and 5.8-2 include provisions for the discovery of Native American human remains.

COMMENTS

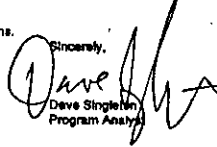
6.7
Cont.

6.8

NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave sites.
 ✓ Health and Safety Code §7050.5, Public Resources Code §5007.95 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.
 ✓ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 853-6251 if you have any questions.

Sincerely,


 Dave Singleton
 Program Analyst

Cc: State Clearinghouse
 Attachment: List of Native American Contacts

RESPONSES

6.8

As indicated on page 2-1 of the DEIR, the area beneath the proposed Monte Verde development site has been previously mass graded. Thus, Section 5.8 of the DEIR appropriately concludes that no cultural resources are located on the development site.

Cultural resources are present in the area where offsite sewer improvements would be located. It was determined that the offsite sewer improvement could potentially impact two identified historical resources within the alignment (recorded archaeological site CA-SDA-12556 and the historic AT&SF Railroad). It was determined that no impacts would result in the AT&SF Railroad. With respect to archaeological site CA-SDI-12556, it was determined that the offsite sewer improvement would result in potential impacts and, therefore, would be required to implement a testing program (Mitigation Measures 5.8-1 and 5.8-2). With implementation of the mitigation measures outlined within the MMRP impacts would be reduced to below a level of significance.

Additionally, the sewer alignment has the potential to disturb sensitive historical resources due to trenching activities; therefore, mitigation measures have been incorporated to reduce impacts to below a level of significance.

COMMENTS

RESPONSES

Native American Contact San Diego County August 24, 2008

Sycuan Band of Mission Indians
Danny Tucker, Chairperson
5459 Dehesa Road
El Cajon, CA 92021

Diegueno/

619 445-2613

619 445-1927 Fax

Kumeyaay Cultural Historic Committee
Ron Christman
58 Viejas Grade Road
Alpine, CA 92001

Diegueno.

(619) 445-0385

Jamul Indian Village
Leon Acevedo, Chairperson
P.O. Box 612
Jamul, CA 91935
jamulrez@pacbell.net
(619) 669-4785

Diegueno/

(619) 669-48178 -

Kumeyaay Cultural Heritage Preservation
Paul Cuero
38190 Church Road, Suite 5
Campo, CA 91906

Diegueno/

(619) 478-9046
(619) 478-9505
(619) 478-5818 Fax

Kumeyaay Cultural Repatriation Committee
Steve Banegas, Spokesperson
1085 Barona Road
Lakeside, CA 92040

Diegueno/

(619) 443-6612

(619) 443-0681 FAX

Coastal Gabrieleno Diegueno
Jim Velasquez
5776 42nd Street
Riverside, CA 92509

Gabrielino
Kumeyaay

(909) 784-6660

Ewilaapaay Tribal Office
Michael Garcia, Vice-Chairman/EPA Director
PO Box 2250
Alpine, CA 91903-2250
michaalg@earthlink.net
(619) 445-6315 -
voice
(619) 445-9126 - fax

Kumeyaay

Clint Unton
P.O. Box 507
Santa Ysabel, CA 92070

Diegueno/

(760) 803-5694
clinton73@aol.com

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 6067.34 of the Public Resources Code and Section 6067.36 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH/2008081108; CEQA Notice of Completion; Draft Environmental Impact Report (EIR); Community Plan Amendment; Land Division; Planned Unit Development; for MONTE VERDE PROJECT; La Jolla; Genesee Avenue & La Jolla Village Drive; San Diego California.

California Native Plant Society

San Diego Chapter P.O. Box 121390, San Diego, CA 92112

September 11, 2006

E. Shearer-Nguyen
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

RE: Monte Verde Draft EIR (Project No. 6563/SCH No. 2003091106).

Dear Ms. Shearer-Nguyen:

7.1

The California Native Plant Society (CNPS) is responding to the Monte Verde Draft EIR for the proposed construction of four high-rise residential buildings at the corner of La Jolla Village Drive and Genesee Avenue, as well as off-site improvements including the replacement of an existing off-site 10-12 inch sewer line with an 18-inch sewer line commencing from the project, south along Genesee Avenue, and into Rose Canyon. According to the DEIR, the proposed project will impact sensitive Diegan coastal sage scrub, native grassland, non-native grassland, southern willow-cottonwood riparian forest, and southern willow scrub communities. Sensitive species that are documented to occur include decumbent goldenbush (*Isocoma menziesii* var. *decumbens*), San Diego sagewort (*Artemisia palmeri*), and the Federally threatened coastal California gnatcatcher (*Polioptila californica californica*).

7.2

Three sewer alignments are considered in the document, and all but Alignment #1 require the construction of a 140 ft to 190 ft. retention wall or manufactured fill slope and a 60-inch culvert in a tributary to Rose Canyon. As Rose Canyon is part of a city open space park, is considered a Core Resource Area by SANDAG, and is also located within the MHPA boundary, this type of major infrastructure within Rose Canyon should be considered a significant biological impact in addition to a visual impact. As the document does not adequately explain why Alignment #1 is not feasible, CNPS strongly supports the removal of Alignments #2 and #3 [Options 2B(1) and 2B(2)] from consideration.

7.3

7.4

CNPS supports the conservation of local ecotypes of native taxa during revegetation by utilizing seeds or plants grown from seeds, cuttings or divisions collected locally. In particular, taxa in the proposed plant palette were noted that could genetically contaminate local ecotypes. The plant palette includes *Isocoma menziesii* var. *menziesii* in the hydroseed mix. This taxon is a close relative of *Isocoma menziesii* var. *decumbens* which was documented on-site, and would presumably hybridize with the local



Dedicated to the preservation of California native flora

⑤

7.1

The comment summarizes information set forth in the DEIR.

7.2

As stated in Section 5.7, all sewer construction impacts would result in significant biological impacts. Tables 5.7-3A and B list the impacts and mitigation for each sewer alignment option. Also, Section 5.3.3 states that the retaining wall and manufactured fill associated with options 2B(1) and 2B(2) would result in a significant and unmitigable visual/neighborhood character effect.

7.3

While City staff agrees that the alternative which would place the sewer line below ground would be environmentally-preferred, engineering constraints associated with the potential depth of the sewer line may render this approach infeasible. In recognition of this potential, the DEIR addresses two other methods that could be used in the event that the below grade installation is considered infeasible from a safety standpoint, as discussed on page 3-28. If the City Council approves the project, then the City would consider which alignment to approve. At that time, the City would make a determination regarding whether Alignment 1 is feasible. The commenter's support for that alignment would be forwarded to the City for its consideration.

COMMENTS

RESPONSES

- 7.4 City staff agrees that the hydroseed/container species, *Isocoma menziesii* var. *menziesii* and *Artemisia palmeri*, included within Tables 26 and 27 of the Biological Resources Report (Appendix H) dated Revised July 26, 2006 should only be included within the upland revegetation planting palettes if the seeds are derived from Rose Canyon or within 25 miles of the coast. The report has been revised to reflect this requirement.

COMMENTS

RESPONSES

7.4
Cont.

7.5

7.6

populations of variety *decumbens*. Therefore, no *Isocoma* species should be included in the revegetation areas unless it is derived from seed collected on and adjacent to the impact area. This species is easily collected and grown from seed. Any revegetation with *Artemisia palmeri* should also utilize locally collected seed so as not to genetically contaminate the local population. Additionally, interior flat-topped buckwheat (*Eriogonum fasciculatum* var. *foliolosum*) is included in the hydroseed palette. This taxon typically occurs in inland areas, and is not appropriate for a coastal site. It also is likely to hybridize with *Eriogonum fasciculatum* var. *fasciculatum* which occurs in the area. Seed from *Eriogonum fasciculatum* var. *fasciculatum* should instead be collected onsite and used in revegetation purposes. This species is also easily collected and grown from seed.

Thank you for the opportunity to comment on this DEIR. If you have any questions please contact us at 619.421.5767.

Sincerely,

Cindy Burrascano

Cindy Burrascano
Conservation Chair

7.5

As indicated in the previous response, *Artemisia palmeri* would also only be used if it can be obtained from local seed stock.

7.6

City staff does not agree that *Eriogonum fasciculatum* var. *foliolosum* should be replaced with *Eriogonum fasciculatum* var. *fasciculatum*. Rather the common name should be changed from interior flat-top buckwheat to flat-top buckwheat. Per Jepson, *Eriogonum fasciculatum* var. *fasciculatum* is only located along the central coast and thus not within San Diego County. However, as indicated earlier, the Biology Report has been revised to assure that the hydroseed/container species of *Eriogonum fasciculatum* var. *foliolosum* would only be derived from Rose Canyon.

COMMENTS

RESPONSES

October 11, 2006

Ms. E. Shearer-Nguyen, Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

RECEIVED
OCT 11 2006
Development Services

RE: Draft Environmental Impact Report – JO 420908 – Monte Verde

Dear Ms. Shearer-Nguyen:

The purpose of this letter is to provide comments on the sufficiency of the DEIR document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.

The University Community Planning Group's (UCPG) comments are as follows.

8.1

- The DEIR fails to address or disclose that the Owner/developer of the properties in Costa Verde gave up entitlements for extra dwelling units with the expiration of the Development Agreement. The DEIR cannot count trips of units that were not constructed and their entitlements have expired. Each project must stand on their new site plans and increased counts. Zoning does not guarantee entitlements. Zoning does not give rights to property owners unilaterally. The DEIR does not identify or provide any facts concerning the Development Agreement.

8.2

- Overall the DEIR fails to adequately disclose the details of the proposed project.

8.3

- The DEIR fails to adequately describe the vast difference in height between these buildings and the surrounding community.

8.4

- The DEIR fails to adequately describe the outdoor public space size and location and the specific impacts of noise, shadows and the wind tunnel effect.

8.5

- While the DEIR identifies significant non-mitigable impacts, it fails to identify the projects additional significant non-mitigable impacts.

8.6

- In the City's letter to Bruce McIntyre on July 6, 2005, the City stated "The EIR should place major attention on reasonable alternatives to the proposed project that avoid or mitigate the project's significance." The DEIR did not adequately address the city request for "major attention" to a reasonable alternative.

RE: 3.0 Project Description

The DEIR (Pg. 3-2) states "The 800 residential units would include 62 lofts, 274 one-bedroom units, 247 two-bedroom units, 199 three-bedroom units, and 18 town homes

8.1

A specific development intensity was allocated by the Costa Verde Specific Plan regardless of the status of the previous Development Agreement, which as the commenter correctly states has expired. Nevertheless, the existing Specific Plan allows up to 2,600 dwelling units as well as a 400-room hotel. This intensity is associated with an equivalent number of average daily trips (6,532 ADT). In fact, the density anticipated by the overall University Community Plan is largely designed to generate a specific number of automobile trips. As a reflection of this fact, the Community Plan (page 179) specifically allows for the transfer of development rights including associated automobile trips within subdivisions in conjunction with PDP's restricting both the sending and receiving sites.

The Monte Verde project is intending to utilize trips that remain unallocated within the Costa Verde Specific Plan. However, the project would convert the trips allocated to the 400-room hotel to trips generated by residential development.

While the project would convert the hotel trips to residential trips, the proposed number of trips (4,800 ADT) for the 420 unallocated residential units and additional 380 new residential units would in reality be less than the 6,532 ADT which would occur with realization of the 420 unallocated residential units and construction of the 400-room hotel.

Additionally, the project's traffic study included all units not yet built at the time of its preparation in determining the project's traffic impacts.

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| 8.2 | Please refer to responses to comments 8.7 through 8.13. |
| 8.3 | The Draft EIR includes an analysis of the visual impacts of the project and concludes that the impact is significant and not mitigable because of the height differential between the proposed structures and the surrounding buildings. The analysis provides simulations of the buildings in the context of their surroundings. (See DEIR Section 5.3). Please refer to response to comment 8.27. |
| 8.4 | Please refer to responses to comments 8.36, 8.61 and 8.62. |
| 8.5 | No additional non-mitigable impacts exist beyond those identified in the DEIR. |
| 8.6 | The DEIR provides a reasonable range of alternatives, determined in coordination with City of San Diego staff. |

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which would range from one to three-bedrooms. All units discussed above may include a den, and three-bedroom units may become four-bedroom units."

- 8.7 The number one concern of the community remains the bulk and scale of this proposed project. The DEIR Project Description does not accurately describe the proposed project. The DEIR is inadequate because it does not identify and analyze all possible impacts and possible scenarios regarding the bulk and scale of the proposed project.
- 8.8 The DEIR underestimates the greatest number of potential new residents, which underestimates and understates the parking and traffic impacts. Exactly how many rooms will these 800 units have and how many people will be accommodated?
- 8.9 The project plans are ambiguous because the greatest number of potential square footage that this project could utilize is not identified or analyzed. The analysis of the Project Description should be based on the worse case scenario with regards to all impacts at build-out.
- All of the analysis that follows the Project Description in the DEIR is based on underestimated data because all units may include a den that could be used as a bedroom, and three-bedroom units may become four-bedroom units.
- Given that all the units are relatively large and may include a den that could be converted to a bedroom, and/or that three-bedrooms may become four-bedroom units, and that the development may be a combination of for-rent apartments and for-sale condominiums, the DEIR must address this scenario because the potential impacts are significant.
- 8.10 The DEIR is inadequate because it does not address or analyze in detail the impact of converting the approved hotel to residential, which will greatly increase the bulk and scale of the project relative to the ADTs. The DEIR is insufficient because it does not compare the approved hotel land use to the proposed 4 residential towers.
- The DEIR cites the recent approval of the La Jolla Crossroads project with two 32 story building as justification for its proposal to build two 32 story and two 35 story buildings. In doing this, the DEIR itself gives proof of the growth inducing and cumulative impacts of the Monte Verde projects that the DEIR denies exist.
- 8.11 The DEIR fails to acknowledge or describe the impacts that will certainly occur when other developers point to approval of the Monte Verde towers to justify their requests for increases in density and height for their projects. The inevitable pressure from other developers to follow Monte Verde's example will mean that the already unmitigable significant impacts of Monte Verde on the character of the community, traffic, parks, and library services will all be multiplied over time.
- 8.12 Furthermore, in pointing to the La Jolla Crossroads buildings as an example, the DEIR fails to point out that the La Jolla Crossroads development is at the edge of the

- 8.7 Comment noted. However, as no detailed inaccuracy is specified, no specific response can be made. The DEIR includes an accurate analysis of the bulk and scale of the project. This analysis includes photosimulations. (See DEIR, Section 5.3).
- 8.8 Comment noted. CEQA requires analysis of a reasonable range of alternatives, not an analysis of all possible scenarios.
- 8.9 The number of potential new residents estimated by SANDAG is determined by census data per total household, not by the number of bedrooms within each household. Therefore, the DEIR correctly estimates potential new residents using a generation rate per household. The 800 units would generate approximately 1,832 residents. The Trip Generation Manual estimates the number of trips generated by a residential project based on the type of unit (e.g. multi-family vs. single-family). The number of bedrooms is not a factor used to calculate trip generation.
- Table 142-05C of Section 142.0525 of the Municipal Code concludes that parking demand is based on the number of bedrooms, but only up to three. No additional parking is required for over three bedrooms.
- An EIR necessarily involves forecasting future conditions in the event the project is approved. (CEQA Guidelines, § 15144.). This analytic process necessarily involves a degree of forecasting about, among other things, the number of residents likely to reside at the project.
- The comment states the EIR does not identify the total square footage that would be developed for the project. As described on page 3-2 of the DEIR, the project proposes four residential buildings with approximately 1,771,000 square feet. The decision-maker may choose to make modifications to the project at the time of approval. The level of detail in the EIR is sufficient to allow for meaningful analysis of the project's impacts.
- 8.10 The bulk and scale discussion within Section 5.3 does not rely on a comparison with a hotel use. The analysis focused on the visual impacts of the project on the existing visual setting rather than in comparison with another potential use. This approach is required by CEQA. However, the discussion of the hotel alternative in Section 10 (described

as the "no project" alternative) does provide a discussion of the bulk and scale of the hotel use, which provides a basis for comparison with the proposed project. (See DEIR Section 10.1)

As discussed in Section 5.2.1, the project would build out the remaining 420 dwelling units authorized for the Costa Verde Specific Plan area and construct an additional 380 units. This section further states, "From the standpoint of trip generation the hotel 400-room designation on the site would equate to a total of 666 units. Thus, the proposed project would generate less traffic than anticipated under the 1986 Specific Plan." Therefore, the project would not increase ADTs relative to the hotel use.

- 8.11 The commenter identifies La Jolla Crossroads as the high rise project on the eastern portion of University City. The approved 32-story development is called La Jolla Commons. The La Jolla Commons project is included as part of the cumulative impacts analysis along with 17 other projects. Significant cumulative traffic, visual, and solid waste impacts were identified. Please refer to Section 6.1 of the EIR.

With respect to the growth inducing impact, the Monte Verde project does not propose to increase the development intensity in the University Community. However, the EIR acknowledges that the project would foster population growth and the construction of additional housing by adding 800 dwelling units (please see Chapter 7.0).

- 8.12 The DEIR accurately identifies the location of La Jolla Commons. On page 5.3-1, the DEIR states that "immediately west of the interchange [I-805], several major projects are under construction including La Jolla Crossroads and La Jolla Commons." The elevation of the La Jolla Commons site is not relevant to the analysis. As with the evaluation of the proposed project, the height impact is appropriately based on the actual height of the building above existing grade rather than the height above sea level.

The discussion of bulk and scale is based on the surrounding development rather than with La Jolla Commons. As a result, the EIR concludes that the proposed Monte Verde project would have significant, unmitigable impacts on the neighborhood character of the immediate surrounding area.

The UCPG's opposition to the La Jolla Commons project is noted.

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8.12
Cont.

community near the 805 freeway, where its bulk and scale impacts are less imposing on the community at large.

In stark contrast, the Monte Verde project is in a core area of the community where its bulk and scale will have an overwhelming impact on the character of the community. The DEIR further fails to give the elevation of the land at La Jolla Crossroads towers and fails to mention that the UCPO opposed the La Jolla Crossroads project.

Finally, the DEIR fails to mention that while the La Jolla Crossroads high rises are 350' tall, the four Monte Verde towers are 390-395' tall.

8.13

The DEIR (Pg. 5.1-16) states "The Specific Plan allows for development of up to 2,600 dwelling units, 178,000 square feet of retail/commercial, and a 400-room hotel." It also states (Pg. 5.1-18) "As discussed above, the Specific Plan allows up to 2,600 dwelling units, 2180 of which have already been constructed or are under construction. Because all other lots within the Specific Plan have been built out, the project site is the only lot left where additional residential uses could occur."

The DEIR does not identify or cite any City regulation that allows for the transfer of units to the proposed project site. Why is the proposed project allowed to transfer ADTs to the small project site to enable it to increase the number of residential units? The DEIR does not address the impact that the proposed development will have on the 4.77 acre with respect to its relative small size which represents less than 10% of the total 54 acre site. The proposed increase in residential units per transfer of unused units is substantial and demonstrates almost a 15% increase to the 54 acre site.

RE: 4.0 History of Project Changes

The DEIR (Pg.4-1) states "Due to concern about building heights from the UCPO as well as FAA, the applicant has reduced the building heights from a maximum of 42 stories to the current maximum of 35 stories."

8.14

The height of the proposed 4 towers with regard to the "Wind Tunnel" effect was a major community concern raised during the environmental review of the project. The DEIR does not identify this community project concern or analyze this possible impact on the environment. The "Wind Tunnel" effect needs to be studied in the DEIR because the potential loss of public open space between the towers due to the created wind will have a significant effect on the environment and the proposed project as it may hinder some open space unusable that is required to be provided. The "Wind Tunnel" effect has the potential to directly, cumulatively and permanently impact open space and the neighborhood character.

8.13

Please refer to response to comment 8.1 for a discussion of the number of units and ADTs which are assigned to the property via the Specific Plan and Community Plan.

No formal transfer of units would occur. The Community Plan actually does allow transfers within subdivisions, which could have included Costa Verde, pursuant to a planned development permit as is being sought here; however, the applicant is not seeking a formal "transfer of development rights" because no "rights" are being transferred. Instead, what is being proposed is the development of previously planned but unbuilt units within the Specific Plan, together with the change from hotel units to an equivalent (in traffic) number of residential units. No formal "transfer" is being sought, but rather the completion of development under the Costa Verde Specific Plan.

As to the size of the Monte Verde lot, the DEIR takes the lot size into consideration everywhere it is relevant, such as in evaluating grading. For density, however, Monte Verde is the last part of Costa Verde -- it was part of the original Costa Verde subdivision map, specific plan, and development agreement, and the facilities that have been provided for Costa Verde were meant to serve Monte Verde as part of the broader Costa Verde project.

8.14

In order to confirm that the proposed project would not have a significant adverse impact on wind conditions in the areas surrounding the proposed project, the applicant commissioned a study from Englekirk & Sabol (E&S). Areas within the project site which would be available for public use (e.g. the proposed civic green and pocket park) are not required to meet any public open space or recreational requirement imposed by the City on the project.

The results of this report are summarized in this response. A copy the full report, dated December, 2006, is on file with the Environmental Analysis Section of the City of San Diego.

Existing Wind Conditions

As the first step in analyzing wind effects, E&S conducted a site inventory to determine baseline wind conditions on the property as well as in the immediate vicinity. This inventory revealed the project area is considered breezy with wind speeds generally ranging from 7 to 14 miles per hour (mph).

Evaluation Criteria

Table 1 conveys the way pedestrians perceive different wind velocities. Table 2 correlates wind speed categories with outdoor recreational areas to serve as the primary basis for evaluating the effect of the proposed project on surrounding uses. Since gusts of wind are considered acceptable as long as they occur on an infrequent basis, wind speed is based on the percentage of time that wind speeds exceed a specific value. In general, when wind gusts in excess of a particular wind velocity occur more than 10% of the time, the wind speed is raised to the next category. Thus, an established wind velocity of 7 mph may actually exceed this velocity up to 10% of the time and still be characterized as 7 mph.

As indicated in Table 2, all forms of outdoor recreation are considered compatible with wind speeds which do not exceed 7 miles per hour (mph) more than 10% of the time. As wind velocity increases, the suitability for different types of outdoor recreation diminishes. For example, outdoor eating or reading becomes more difficult when the wind speeds exceed 7 mph. Once wind speed exceeds 20 mph, no forms of outdoor recreation are suitable.

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Table 1
Environmental Wind Flow Effects

Wind Speed (mph)	Description of Wind	Description of Wind Effects
Less than 1	Calm	No noticeable wind
1-3	Light airs	No noticeable wind
3-7	Light breeze	Wind felt on face
7-12	Gentle breeze	Wind extends light flag, hair is disturbed, and clothing flaps
12-18	Moderate breeze	Wind raises dust, dry soil an loose paper, hair disarranged
18-24	Fresh breeze	Force of wind felt on body, drifting snow becomes airborne, limit of agreeable wind on land
24-31	Strong breeze	Umbrellas used with difficulty, hair blown straight, difficult to walk steadily, wind noise on ears unpleasant, windborne snow above head height (blizzard)
31-38	Moderate gale	Inconvenience felt when walking
38-46	Fresh gale	Generally impedes progress, great difficulty with balance in gusts
46-55	Strong gale	People blown over by gusts

Table 2
Acceptable Recreational Activities at Different Wind Speeds

Acceptable Recreation Activities for Wind Speed(s)	≤7 mph	7<≤11 mph	11<≤15 mph	15<≤20 mph
Outdoor dining, leisurely outdoor seating (e.g., reading, using laptop)	✓			
Leisurely walking, standing	✓	✓		
Moderately active recreational activities (e.g., dog walking, children playing)	✓	✓	✓	
Active recreational activities (e.g., playing catch, children on play equipment, sports)	✓	✓	✓	✓

In determining whether a project would have a significant wind effect, the analysis determines where pre-existing wind conditions on adjacent properties would be substantially changed by a proposed building. The primary focus is on substantial changes which occur to wind speeds between 7 and 14 mph, and where existing wind speeds would exceed 15 mph where the existing velocity was less than 15 mph. Even though more active recreational activities are generally compatible with wind speeds between 15 and 20 mph, 15 mph is used for this analysis as a more conservative threshold.

Project Wind Effects

In general, development tends to increase existing wind velocity in two ways. Acceleration occurs when wind strikes the upper elevations of a building and is forced down the face of the building. Acceleration also occurs from the vacuum which is formed as wind rounds a corner of a building. Both of these factors exist with the proposed project and were considered by E&S in their modeling.

In order to assess the wind effects of Monte Verde, E&S constructed a scale model of the development and subjected it to known wind velocities. Changes in wind speeds and turbulence with the buildings were estimated at a total of 41 points both on- and off-site with and without the project. Surrounding velocities were estimated through the use of building models of the surrounding development.

The results of the wind tunnel modeling indicated that the proposed project would not result in significant changes in wind conditions on property located adjacent to the site. In general, the analysis showed that wind speeds were increased in approximately half of the measured sites while, in the other half, the wind velocities decreased over existing levels. The effect depends on the relationship of the building to the wind.

Offsite

Approximately 75% of the points where existing wind velocities were measured around the proposed site, wind speeds exceeded 7 mph. More than 30% of the locations experienced wind velocities which exceed 11 mph more than 10% of the time. No measure locations revealed wind velocities in excess of 15 mph.

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None of the surrounding areas would experience wind speeds in excess of 15 mph after construction of the project. Similarly, the existing wind conditions within the 7-14 mph categories would not substantially change as a result of the project. The wind tunnel tests indicated that three locations around the proposed project with speeds between 7 and 14 mph increased by more than 10% after the four proposed towers were in place. All three of these points were located immediately adjacent to the proposed project. Thus, it was concluded that wind effects from the proposed project on the surrounding property would not be significant.

Onsite

A comparison of the wind velocities within the project site before and after the proposed development concludes that the site would be suitable for a variety of pedestrian activities. Only two locations would occur where wind speeds would exceed 15 mph more than 10% of the time. One of these areas occurs on the pedestrian bridge crossing La Jolla Village Drive. As the pedestrian bridge would be used to cross the street, this increase would not affect pedestrian activities within the site.

The other area which would exceed 15 mph more than 10% of the time would be located at the northeast corner of Tower C. This would affect the westerly end of the proposed pocket park. As a result, a portion of the proposed outdoor seating area would experience less than desirable conditions for outdoor seating. In response to this, the developer anticipates refining the pocket park in the final design to locate outdoor seating in areas affected by lower wind speeds and/or incorporating wind screening features to reduce the wind conditions experienced by persons using the pocket park.

With respect to the proposed civic green between Towers A and B, the wind analysis concluded that the civic green would experience wind conditions that would exceed 11 mph more than 10% of the time. According to Table 2, these wind conditions would not be desirable for some of the uses expected to occur within the civic green (e.g. leisurely standing and sitting). As with the pocket park, the developer plans on integrating wind screens into the final design.

RE: S.I Land Use

The proposed uses and densities, combined with other planned development in the University City community, are representative of a high-density urban node and, thus, would not combine to result in a significant cumulative land use impact.

According to the University Community Plan (UCP) (Pg. 190) Housing types should encourage diversity, "However, the mix should be master planned under the PRD Permit process, and amendments to these PRDs should not be made to homogenize the project in response to short-term market trends."

Pg. 7-1 of the DEIR states "While the proposed land use density changes could theoretically encourage similar actions within University City, the practical growth inducing effect of these changes is minimized by the fact that University City is nearly completely built out. Secondly, the shortage of housing in the San Diego region is already acting to influence residential development and increase densities. Thus, the pressure to increase housing in the region already exists."

The City's Strategic Framework Element states (Pg.23) "This Element does not encourage or mandate a specific amount of growth."

The DEIR states the geographic area for cumulative analysis (Pg. 6-6) "is defined by I-5 to the west, the I-5/I-805 merge to the north, I-805 to the east and SR 32 to the south".

Given these boundaries the DEIR does not sufficiently identify the current housing inventory nor does it analyze the possible impacts of the proposed Plan Amendment. The DEIR needs to provide numbers of current existing residential units and show the analysis done that concludes that this proposed project amendment would not have significant cumulative effects to the community.

The North University City area currently accommodates the housing density with apartments, condos and some single homes, the DEIR does not address whether the community has or has not met its fair share limit of the region's growth. The DEIR needs to provide current statistics regarding existing housing in the project area and the surrounding area.

One of the primary goals of the proposed project is to "Respond to the region's housing shortage and predictions of rapid population growth in San Diego by accommodating the City's and the community's fair share of the region's growth."

The Strategic Framework Element states (Pg. 33) "It is a strategy for each neighborhood to consciously determine where and how new growth should occur, and requires that new public facilities be in place as growth occurs. It builds upon existing neighborhoods while retaining their unique character by intensifying and enhancing their community centers. The strategy seeks to target growth in village areas, but is not linked to a particular rate of growth."

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- 8.15 The EIR analyzes the effects the project would have on the community as it exists right now, and it does, in fact, conclude that the project would contribute to significant cumulative impacts. Please refer to Section 6.0.

As discussed in the DEIR, the project would create an additional 380 "new" residential units because 420 of the proposed 800 units were already allocated to the Costa Verde Specific Plan area. The "new" residential units would be created by converting the planned 400 hotel rooms to residential. As indicated earlier, the number of ADTs allocated to the hotel rooms would accommodate up to 666 residential units, but only 380 residential units are being proposed to replace the hotel.

The FEIR has been revised to remove the statement regarding the "community's fair share of the region's growth" because there is no documentation which specifies the contribution that individual communities should make toward the target established by SANDAG to meet the housing needs of the region. As result, the last objective on FEIR page 3-1 has been modified to remove the reference to the community's share and now states "Respond to the region's housing shortage and predictions of rapid population growth in San Diego."

According to the Regional Comprehensive Plan (SANDAG 2004), the County, as a whole, will need to add 314,000 residential units by the year 2030 to meet the anticipated growth of nearly a million persons. In addition, SANDAG's Regional Housing Need for the 2005-2010 Housing Element Cycle in the San Diego Region, identifies "fair share" contributions for the various jurisdictions including the City of San

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Diego. With respect to the City of San Diego, SANDAG identifies a City-wide goal of 45,741 units by the year 2010. However, SANDAG does not define goals for individual communities within the City. Meeting the goal established by the resolution is the responsibility of the City of San Diego through updates to its Housing Element.

The latest projection for the total number of residential units at full buildout of the University community plan area is 20,974. Based on a recent update of the Facilities Benefit Assessment for North University City, 1,878 multi-family residential units remain to be developed as of June 2006. As 420 of the 800 proposed units are included in the remaining units, this portion of the project would represent approximately 22% of remaining residential development in North University City. As stated above, the project would also create an additional 380 "new" multi-family residential units by converting the planned 400 hotel rooms to residential. The City has no current estimate of the number of units which may be yet built in South University City but the number is believed to be nominal.

8.15
Cont.

The UCP states (Pg. 190) with regards to density/units that "60 percent would be townhouse and garden apartments and 19 percent would be located in high density structures."

The DEIR does not identify or analyze the current density or housing inventory, nor does it compare those findings to "the community's fair share of the region's growth." The DEIR does not analyze the change in percent of housing that this plan amendment would generate and there is no comparison to the current housing inventory. The DEIR does not provide statistics on the housing shortage in North University City within the project boundaries.

The DEIR (Pg. 6-6) states "The effect of the project on land use would not be cumulatively considerable as the site is planned for development."

The proposed project requests to change the development intensity table to allow higher density on the site. The current UCP has a density of 48 du/ac which for the purposes of land use planning is categorized as 45-75 du/ac.

The DEIR (Pg. 7-1) states "In addition to allowing for more residential units in the plan area, the proposed density of 168 units per acre would be substantially greater than the maximum of 75 units per acre currently allowed by the University Community Plan."

8.16

The proposed project is requesting a plan amendment and thus the cumulative effects would affect the land use by changing it from Visitor-Commercial to Residential. The DEIR does not sufficiently analyze the plan amendment change from Visitor-Commercial to Residential.

8.17

The DEIR does not analyze sufficiently the increase in density from 48 units per acre to the conclusion reached of 55 units per acre. This increase is substantial and demonstrates almost a 15% increase to the 54 acre site. The DEIR does not address the impact that the proposed development will have on the 4.77 acre with respect to its relative small size which represents less than 10% of the 54 acre site. The DEIR needs to address the density change with relation to cumulative effect given that the UCP's high-density urban node range is currently 45-47 du/ac. Because this is a Plan amendment, the analysis must be in-depth.

8.18

Also, given that the DEIR acknowledges that traffic and circulation will have a cumulative effect which will be significant, the DEIR needs to address how that impact does or doesn't directly affect the requested density and land-use change.

The DEIR (Pg. 5.4-10) states "The proposed project would increase the community population by 768 new residents which would require 2.15 acres of population-based park land, 3 percent of a community recreation center and just over 2 percent of a community swimming pool complex per City General Plan park standards."

8.16 The project includes a UCP amendment to eliminate the designated visitor commercial use on the site. It was determined that the site is poorly situated for such use due to an oversupply of hotel rooms in the immediate vicinity. The effects of the change in use are analyzed throughout the EIR.

8.17 As discussed in responses to comments 10.2 and 10.3 the density is based on the Specific Plan-wide average rather than the density of individual buildings. The increase from 48 to 55 dwelling units per acre is not necessary to evaluate as an overall density of up to 75 dwelling units per acre would be allowed under the existing Community Plan. This is because, as discussed more fully in the DEIR, Monte Verde is the last, already-planned part of one larger project, Costa Verde Specific Plan.

As discussed in response to comment 8.13, the EIR addresses the relationship of the project to the size of the subject property.

8.18 As discussed in response to comments 10.2 and 10.3, the project is not requesting an increase in density. The EIR analyzes the effects of the proposed use, using the existing physical conditions of the site as the baseline for analysis.

The DEIR (Pg. 7-1) states "The project would foster population growth and the construction of additional housing by adding 800 dwelling units. The project could house up to 1,832 residents."

The Architectural Site Plan Level 1, Entry, Sheet #A1.2 provided by Design Lead, LLP, dated February 17, 2006 states "All units might include a den area." It also states, "3-bedroom units might include a den or become a 4-bedroom unit." The net usable residential square footage for this proposed project is 1,268,500 sq. ft.

8.19

Given the fact that the DEIR states "768 new residents" and then states "could house up to 1,832 residents," the DEIR needs to clarify these calculations since they contradict each other. The DEIR needs to provide the formula(s) used for adding new residents to the community. Also, because the Architectural Site Plan provided by the proposed project states that "3-bedroom units might include a den or become a 4-bedroom unit," the DEIR needs to address this change with regards to the number of potential new residents. This change could reasonably change the calculation of the number of parking spaces needed on the project site. 3-bedroom units require 2.5 parking spaces; it is reasonable to know how many parking spaces are required for 4-bedroom units.

8.20

It also would be reasonable for the DEIR to clarify the Visitor parking. The project unit total is 800, the total number of cars is therefore 1,851.75, the total number of cars for the site parking plan is 1,852, the total residents parking is 1,645, and the visitors parking is calculated at 15% totaling 209. These figures are based on required parking in a Campus Impact Zone.

15% of 1,852 is 279 not 209. The Site Parking Plan A1.17 states 257 for visitor parking. These figures need to be clarified and the formula used to arrive at them needs to be provided.

RE: 5.2 Traffic and Circulation

8.21

The DEIR (Pg. 5.1-3) lists two of the UCP's three development intensity goals which establish guidelines for the intensity of development in University City. The third goal of the UCP (Pg. 164) which is not listed in the DEIR or discussed states "Provide a workable circulation system which accommodates anticipated traffic without reducing the Level of Service below "D".

The UCP (Pg. 163) states that the "basis for regulating the intensity of development is the finite traffic capacity of the projected circulation system (freeways and surface streets)."

It also states (Pg. 164) "The development intensity allocations in Table 3 are not intended as a development right, but are subject to other considerations such as site and building design, zoning requirements and other limitations such as the Navy easements, the Comprehensive Land Use Plan for Miramar, etc."

8.19

The estimate of 768 "new" residents is based on the 380 additional units that would be created by converting the hotel to residential uses. While it is true that the total of 800 units would generate an estimated population of 1,832, the 1,064 residents exclusive of the 768 "new" residents were already anticipated upon build out of the Costa Verde Specific Plan. The population forecast was based on a population per household of 2.02 which was generated by SANDAG for the University Plan area.

As discussed in response to comment 8.9, the parking calculations are based on industry standards, which typically do not differentiate between three-bedrooms and four-bedroom units in regard to minimum parking requirements.

8.20

The number of parking spaces is determined by City ordinances. The project must comply with these ordinances. The total parking requirement of 1,852 includes 139 spaces which are designated for the exclusive use of the existing retail uses in Costa Verde to offset the parking which is currently used on the project site. The total parking for project residents would be 1,456. The 15% visitor parking would amount to 257 spaces which brings the total up to the 1,713 spaces provided for the project exclusive of the 139 spaces for Costa Verde Shopping Center use (please see response to comment 81.2).

8.21

The commenter is correct in noting that the goal of providing a "workable circulation system" was not specifically addressed in the land use discussion. The project's traffic impact was addressed in detail in the traffic analysis for the project, and was based on adopted policies regarding traffic levels of service. (See DEIR Section 5.2). The project's traffic analysis concluded that there would be significant unmitigated traffic impacts due to the project.

COMMENTS

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As indicated by the commenter at the top of page 7 of the letter, the University Community Plan was specifically formulated to assure a workable circulation system by assigning development intensity and related ADT allowances to each property in the community. These limits are contained in the Land Use and Development Intensity Table (Table 3) in the Community Plan. As noted earlier, the proposed project would not increase the number of ADT generated from the area 47 on Table 3 which includes the proposed project. Level of Service D was used as a significance threshold in the traffic analysis, in accordance with the UCP policy. (See DEIR, p. 5.2-15). Thus, although the University Community Plan area does experience substantial levels of congestion which reduce the "workability" of the circulation system, the project would not increase the level of traffic anticipated by the Community Plan.

COMMENTS

RESPONSES

The UCP (Pg. 163) continues the discussion regarding land use and development intensities, "In addition to helping to ensure a workable circulation system, the Land Use and Development Intensity Table is meant to ensure a balance of land uses in the community. Projects which differ significantly from the land uses or development intensities in Table 3 as determined by the Planning Director will be found to be inconsistent with the community plan."

8.22 ☐ The DEIR does not discuss or analyze the UCP's goal of a workable circulation system nor does it list it as a goal that pertains to the proposed project. It does discuss a shuttle system which will be available only to residents. The DEIR (Pg.3-14) states "The applicant would provide a free shuttle service for the proposed project, which would likely consist of one shuttle bus for use by residents of the entire Costa Verde Specific Plan area as well as the La Jolla Crossroads development to the east of the proposed project." It also states "The shuttle route may be altered to better suit the needs of project residents."

The September 1, 2006 letter from Garden Communities to Tim Daly in response to Eight Project Assessment Letter indicates that on August 30, 2006, the Applicant's traffic consultant, Kimley-Horn and City staff agreed on Condition #4, page 2, as follows:

"The application shall provide one 16-passenger bus operating five days a week with half-hour frequency to provide free service to UCSD, Scripps Hospital, Sorrento Valley Transit Station, etc. (mimicking SANDAG's proposed Super loop route) for the Costa Verde Specific Plan residents until such time as it may be replaced or augmented by SANDAG's Super loop satisfactory to the City Engineer."

8.23 ☐ The DEIR does not address the public benefit of this shuttle which is designed only for residents of the project. This shuttle is not really public transportation and it can, and will be, replaced or augmented by the proposed Super Loop when it comes on line. The shuttle is not a public benefit; it is an exclusive project benefit.

8.24 ☐ The DEIR does not include or discuss the "[Ensure] implementation of Council Policy 600-34, Transit Planning and Development" which is applicable to development intensity and the proposed project.

The DEIR (Pg. 2-9) states "As the proposed project would not increase the number of automobile trips generated by the development, the project would not affect air quality planning assumptions of the RAQS and the SIP because these documents are based on traffic levels for build out of each Community Plan Area."

8.25 ☐ If the above statement is true, then why on page 2 under the Traffic and Circulation section does it say that "A total of four ramps would be significantly impacted in the horizon?" And "...impacts to nearby freeway ramps would remain significant and not fully mitigated."

The DEIR (Pg. 5-3) states "The hotel alone would result in fewer trips added to the local roadways."

8.22 Please refer to response to comment 8.21.

8.23 As indicated on page 3-14 of the DEIR, the shuttle would be available to all the residents of the Costa Verde Specific Plan and not just future residents of Monte Verde. Furthermore, the availability of the shuttle was not factored into the traffic study as a means to reduce traffic but rather as a project feature. The shuttle is identified in the project description of the EIR in the interest of informing the public of all aspects of the project. While the traffic impact analysis (Appendix D) on pages 11-5 through 11-8 does discuss some vehicle trip reductions that may occur at this site as the result of public transit and proximity to pedestrian access, it does not discount traffic due to the proposed private shuttle. To the extent the shuttle reduces vehicle trips, the shuttle would have a beneficial effect. Nonetheless, the traffic study does not reduce trip generation rates to account for the shuttle.

8.24 Council Policy 600-34 addresses Transit Planning and Development. This policy was adopted on May 20, 1986. This policy states that the intention is to foster a strengthened "transit consciousness" on the part of local public planners, administrators, and elected officials, as well as the general public. Many, if not all, of the implementation strategies identified in CP 600-34 have been incorporated in the 1990 University City Community Plan, the Costa Verde Specific Plan, and the Monte Verde development proposal.

COMMENTS

RESPONSES

8.25 The previous statement refers to the fact that the number of ADT would not change with the proposed project. With respect to air quality, this means that the existing air quality strategies designed to accommodate emissions from planned development within the San Diego Air Basin would be unaffected.

The impact of project traffic on metered freeway onramps is a different issue. Even though the traffic from the project may have been anticipated under the Community Plan, this discussion relates to the actual impacts of the project traffic on the ramps. As discussed in this section, project traffic impacts would be significant and not fully mitigated by the measures identified in the DEIR.

COMMENTS

8.26

The DEIR does not explain or sufficiently analyze why, if the proposed project does not generate increased numbers of trips, then why are there cumulative impacts to intersections and freeway ramps with the impacts to nearby freeway ramps remaining significant and not fully mitigated. The DEIR also states (Pg. 5-3) "The hotel alone would result in fewer trips added to the local roadways," and the DEIR does not address this information.

RE: 5.3 Visual Effects/Neighborhood Character

The DEIR (Pg. 6-6) states "While the proposed building heights would exceed those of the surrounding area, no other similar height buildings exist or are proposed in the area. Therefore, while a direct significant impact has been identified, the project would not result in a significant cumulative impact on visual effects/neighborhood character."

According to the UCP (Pg. 190) "High-rise development should be compatible in scale to the surrounding areas, particularly to other high-rise structures." The DEIR (Pg. 5.1-22) states that "The closest buildings to the project site are the Towers at Costa Verde to the southwest, which are two, 16-story residential towers." The proposed project towers are 32-story and 35-story towers. (Pg. 1)

In the Urban Design Element of the UCP (Pg. 33) states "The University community at the turn of the century is envisioned as a spacious, park-like community with buildings and land uses of strong identity both visually and functionally." It also states "Sun and view enjoyment will continue to be prime design considerations." (Pg. 35)

The DEIR (Pg. 3-5) states "The modern style of architecture is intended to be consistent with existing Costa Verde projects." Figure 3.2.2. Is a picture of the proposed towers.

The Strategic Framework Element (adopted 10/2002) states (Pg. 33) "A high quality of urban design will achieve the maximum possible integration with the surrounding community fabric and the transit system."

8.27

The DEIR does not address sufficiently the visual impact and/or integration as it relates to the existing and surrounding neighborhood. The DEIR does not analyze the transitional elevation of the proposed project to the current residential housing already on the 54 acre site. The DEIR does not compare the height of existing housing but compares the proposed project with high or medium rise commercial buildings. The DEIR does not sufficiently illustrate how these proposed towers are "consistent" with the existing Costa Verde projects. The DEIR does not identify how the bulk and scale are consistent with the surrounding area.

RESPONSES

8.26

As stated in the previous response, the EIR appropriately analyzes the actual impact of the 800-unit project traffic on roadways including freeways.

The statement that the hotel alternative would generate fewer trips than the proposed project is true because this alternative does not include the trips from the unused 420 residential units from the existing Costa Verde Specific Plan. It was the objective of this alternative to consider exclusive use of the subject property for the 400-room hotel which represents the "no project" alternative that would occur if the proposed project is not approved. The "no project" alternative is discussed in Section 10.1.

8.27

As discussed on DEIR page 5.3-3, the buildings within the immediate vicinity of the project range from 2 to 21 stories. There is no clear "step" from the lower buildings to the higher buildings. Instead they are interspersed throughout the neighborhood. The DEIR concludes that the project would not be consistent with the heights of surrounding buildings therefore the impact on neighborhood character is significant and unmitigable.

RE: 5.4 Public Facilities and Services

The DEIR (Pg. 2-7) states "This project would be consistent with the City of Villages because it would provide multi-family residential in an existing urban node that has a significant amount of existing or planned employment sources."

The DEIR (Pg. 2-7) states "Furthermore, it would provide much needed multi-family residential and enhance an urban node, as well as meeting goals of several UCP elements such as urban design, residential, noise and safety".

The DEIR (Pg. 2-10) states "the project site does not have the ability of a full first alarm assignment, which consists of three engines and two trucks, to reach the site in a prescribed time due to their distance from the project area. In addition, the engine company at the Eastgate Mall site is over workload capacity in number of incidents handled per year, which necessitates outlying engine companies from distant stations to provide service to this area".

8.28 [The DEIR does not identify or analyze how many multi-family residential units exist currently in this urban node, nor does it identify or analyze how many employees actually live in the area, would live in the area versus those who commute because the cost of housing is so high.

8.29 [The DEIR does not sufficiently explain how "safety" would be enhanced by this Plan Amendment to add additional density. Currently there is only one fire station located at Eastgate Mall, and it does not have the equipment to put out a fire in a 390 or 395 foot tall building. The DEIR does not identify how this will be mitigated. Building a new fire station without the needed equipment or staff will not mitigate the need. The FBA could finance the building of a new fire station, but it does not pay for equipment and staff. Without appropriate equipment and staffing the safety of the public and resident cannot be mitigated.

The DEIR addresses that there is "only 0.6 officers per 1,000 population" (pg. 2-11) and "the City's average response time is 7.3 minutes for emergency calls and 13.1 for Priority one calls." (pg. 2-11)

8.30 [The DEIR does not sufficiently analyze the possible impacts of how the safety of these added residential units above the adopted community plan would be attainable given the current statistics. The DEIR does not supply the data to review regarding Emergency services and Police protection to establish what impact this plan amendment to add density would have on the vital public services. The DEIR does not identify this public service as being able to be mitigated. It does not address the impact that the adequate lack of these services will create in the urban core and cumulatively.

8.31 [The UCP (Pg. 14) states that "The "quality of life" in new neighborhoods through provision of adequate public facilities at time of development." The DEIR does not sufficiently analyze the possible impacts of the lack of adequate public facilities at the

8.28 As appropriate, the net effect of existing residents and employees is taken into account for such things as traffic and public services. The commenter is correct that the high cost of housing may contribute to increased commute times. The project would increase the available residential housing stock in the UTC area. The project also includes a significant affordable housing component. Thus, the project has the potential to alleviate the tendency towards long commute times, by providing housing close to areas where people work or study.

8.29 As stated on DEIR page 5.4-8, "in accordance with Sections 15126.2(a) and 15382 of the CEQA Guidelines, impacts related to public services are evaluated in light of whether the impact would result in a physical change in the environment." Emergency access and response times, equipment and staffing are areas of great concern to the City; however, are not physical changes in the environment; therefore, emergency services are not analyzed in Section 5.4. The enhancement of public safety while also an issue of importance, is also not a CEQA issue. While not a CEQA issue, emergency service issues are included as part of the findings that need to be made for the associated development permits.

For information purposes, the DEIR identifies the potential to contribute to the construction of a new fire station in the area. (DEIR, pp. 3-46 and 3-47). The fire station is not part of the project. If the fire station is constructed, it would augment fire and emergency services in the UTC area.

COMMENTS

RESPONSES

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| 8.30 | The ability of the local police or fire facilities to respond to incidents is a concern throughout the City; however, the CEQA analysis focuses on physical change in the environment. While the fire and police service are not considered to be CEQA issues, information regarding these service levels is provided so that the City Council can make their decision about whether to approve or deny the project with a full understanding of the project's effect on these public services. |
| 8.31 | The ability of public services to meet anticipated demand from a project is not an environmental issue unless it can be demonstrated that providing service to a proposed project would result in a physical change in the environment. Such a situation would normally be created when a new facility is required and the location of the facility is sufficiently defined to allow environmental analysis. As stated in Section 5.4.2 of the DEIR, no specific physical changes in the environment are directly associated with providing public services to the proposed project. |

8.31
Cont.

time of development, and the DEIR states that no new public facilities are foreseeable or attainable concurrently.

The DEIR (Pg. 6-6) states that "While libraries, wastewater services, and parks and recreation would exceed capacity as a result of the project, the project would be required to pay appropriate development fees. Thus, no direct or cumulative impacts would occur."

The DEIR incorrectly concludes that no significant impact is identified on the library services, even though the data it presents show that the UCP is already drastically deficient in library services and that this project would worsen that situation.

The DEIR states that the UCP area already falls 12,000 square feet short of the city's goal of .7 square feet of library space per resident, which is a huge shortfall. The DEIR fails to state either what the current square footage is or what the current population is.

8.32

The DEIR states that the project's additional residential units would increase this deficit by 1,282 square feet, to 13,282. Then it simply dismisses this impact by claiming that residents will use some other library near their work or school.

The purpose and objective of the proposed project is to provide a variety of multi-family residential types to serve students, military, seniors, and professional and office workers, and to promote smart growth goals by locating high-density residential uses near commercial, office, educational and retail uses. The idea is that residents will live and work in the same area.

The purpose and objectives of the proposed project are contradicted in the DEIR. The DEIR (Pg. 5.4.-10) states "Residents will often use the library most convenient to them, likely one near work or school, and not necessarily the closest one to their home." The DEIR also states (Pg. 5.9-10) "Several features of the project would reduce mobile-emissions. They include the shuttle, the improved pedestrian access through the site, and the location of the project in a mixed-use area, allowing people an opportunity to live, work, and shop within walking distance."

The question that the DEIR does not adequately address is whether the proposed project's purpose is to provide residential housing so people can live and work in the community, or is the project creating an opportunity for people to live, work, and shop?

The DEIR states that the provision of adequate libraries is a facilities financing issue, and project applicants are required to pay FBA fees. In fact, there are no projects in the FBA that will increase the square footage of library space in the UCP. The DEIR does not address the fact that the City of San Diego has drastically cut back on the staffing of existing libraries, and there are no current prospects that it could staff any additional library facilities.

8.32

As stated on DEIR page 5.4-8, "in accordance with Sections 15126.2(a) and 15382 of the CEQA Guidelines, impacts related to public services are evaluated in light of whether the impact would result in a physical change in the environment." Reduced library capacity is not physical change in the environment; therefore, library services are not analyzed in Section 5.4.

As with the discussions on fire and police service levels, information about the projects effect on library service is provided in order to allow the City Council to make an informed decision on the project.

The comment that "the purpose and objectives of the project are contradicted in the DEIR" is noted. Staff believes that while the project would provide an opportunity for people to live, work, and shop within walking distance, not all of the residents would do so. It is possible that future residents would prefer to shop elsewhere and/or would work elsewhere, and use library facilities elsewhere. It is true that the City has cut back on staffing throughout many City departments. However, these cutbacks are budgetary decisions but not CEQA issues.

COMMENTS

RESPONSES

The DEIR (Pg. 3-6 and 3-14) states "The project would have a number of recreational opportunities for residents."

The UCP states (Pg. 230) "Urban plazas in the Towne Centre, at UCSD and in other community centers can also provide a place for recreational activities."

The DEIR (Pg. 5.4-4) states "The University City area currently has a 45.66-acre deficit of population-based parkland."

The DEIR (Pg. 5.4-4) also states "However, the resourced-based parks and open space area do not satisfy population based park standards, and there are no future plans to provide such facilities."

The Cycle Issues Report dated August 9, 2006, #6 states "In view of the site limitations of the proposed subdivision, the 6.95 acres of park land will not be required to be sited within the development. Instead, in-lieu park fees shall be paid equivalent to the cost for land acquisition, design and construction of 6.95 contiguous, usable acres (maximum 2% grade for active recreation) of park land and facilities located within the half mile service radius prescribed in the General Plan for population-based park land and facilities."

The Cycle Issues Report also states (#7) "This park land requirement shall not be satisfied by open space shown in the proposed site design to serve as pedestrian circulation or by private recreation amenities provided for the development."

The Cycle Issues Report, #8 states "Additionally, the sub divider is required to provide a pro rata share of the cost of a community recreation building and a community swimming pool, to be paid as park fees at the time of issuance of building permits. These fees are to be determined by the Park Planning and Development Division based on current construction costs at time of permit issuance."

8.33

The DEIR does not sufficiently address any of the Cycle Issues Report conditions for the project. The DEIR does not sufficiently address the issue of paying development fees and exceeding capacity as a result of the project. Given the fact that there are no future plans to provide such facilities, direct and/or cumulative impacts would occur. Given the large deficit within the University City community, the DEIR does not address or analyze ways the proposed project will benefit the community at large. Recreational areas are provided by such institutions as The University of California where community members can utilize facilities by paying a fee. The DEIR does not address or identify a parcel of land that can be purchased to fulfill the 6.95 acre requirement.

The DEIR (Pg. 3-14) states "The Costa Verde Specific Plan requires the project to provide 140 square feet of open space per unit, for a total of 112,000 square feet of open space." It further states "Of the 140 square feet of open space per unit, the Specific Plan requires a minimum of 100 square feet of usable open space per unit, therefore the project would provide a total of 80,000 square feet of usable open space."

8.33

As indicated on the Cycle Issues Report, items 6, 7 and 8 have been checked off, which means that the applicant has complied with these items to the satisfaction of the City of San Diego.

As stated in Cycle Issues Report, item 6, "in-lieu park fees shall be paid equivalent to the cost for land acquisition, design and construction of 6.95 contiguous, usable acres..." Section 5.4 states that FBA fees would be paid. Regarding impact analysis, please refer to response to comment 8.32.

The DEIR (Pg. 5.1-8) states "The Community Plan does not designate any portion of the residential building site for open space."

The UCP may not designate open space requirements for the proposed project but the Costa Verde Specific Plan does have requirements.

Volume IA, Appendices for the DEIR, Appendix B.2, Costa Verde Specific Plan Draft Amendment (Pg. 12) states "The north-south and east-west promenades will lead to the center of the site. The central area containing the community open space, food court and mall is intended to be the activity center of the project. The area will have sunny and shaded eating areas, umbrella tables and color landscaping. It will be marked by a strong vertical architectural element to act as the visual focal point of the interior axis streets and promenades and it will be visible from the surround public streets."

8.34

The DEIR does not adequately address the public open space for this project. It does not state where exactly the required pocket park or civic green are located within the project site. No noise contours are given in the DEIR nor is the shadow or wind tunnel component addressed. Of the 80,000 square feet of useable open space required, the DEIR incorrectly shows private balconies and private use terraces as open space. If enclosed recreation areas and common use terraces are not accessible to the public, then they cannot be used as open space.

The UCP (Pg. 225) discusses open space indicating that it can "serve a wide range of functions in the community" including "the control of urban form or design, and scenic or aesthetic enjoyment." The DEIR does not address this provision of the UCP in any detail.

RE: 5.5 Paleontology

The DEIR (Pg. 6) states "The project would involve substantial grading within potentially fossil-bearing geologic formations to prepare the site for development which may result in significant impacts to paleontological resources."

The DEIR (Pg. 6) states "With implementation of these actions contained in Mitigation Measure 5.5-1, the project's direct impacts on paleontological resources would be mitigated to below a level of significance."

The DEIR (Pg. 5.5-1) states "The site is also underlain by the Scripps Formation, underlies approximately 25 percent of the site. The Scripps Formation is generally known to contain fossil marine invertebrates and has a high fossil-bearing potential. The project site is also underlain by a small amount of compacted fill."

The DEIR (Pg. 5.5-1) states "Development of the project could impact significant paleontological resources." It also states "Grading plans for the project would lower the Scripps Formation by 80 to 100 feet and would move approximately 176,250 cubic yards

8.34

The location of the pocket park and civic green are discussed on page 3-15. The pocket park would be located between Towers B and C and Civic Green area would be provided at the base of the proposed pedestrian bridge over La Jolla Village Drive. The locations were inadvertently left off of the Figure 3.2-7A (Conceptual Landscape Plan). It is anticipated that the pocket park would be approximately 4,000 square feet and the civic green would be about 17,000 square feet.

Please refer to response to comment 8.14 for a discussion of wind tunnel effect.

The 80,000 square feet of useable open space is required for the residents of the project. It is not public open space. The project's useable open space requirements are achieved by combining upper balconies with lower level areas protected with noise barriers.

The project applicant is not required by the UCP to provide public recreation areas within the development. Nevertheless, the project does include landscaped areas within the development which would be open to the public along with the elevated walkways through the project.

Noise contours are illustrated in Figures 5.6-3 and 4 of the DEIR. The shadowing effects within and surrounding the project site are shown in Figures 5.13-1 through 5.13-3.

of this formation. The Lindavista Formation would be lowered by 80 to 100 feet and would involve excavation of approximately 293,750 cubic yards of material."

Given the fact that substantial grading (176,250 cubic yards of dirt and 293,750 cubic yards of dirt) and the Scripps Formation has a high potential for significant paleontological resources to be unearthed, it is unclear why a "site specific records search" (Pg. 5.5-3) will only be completed after project approval but prior to the start of construction. The DEIR needs to address any pertinent information concerning the probability of discovery during grading activities.

The DEIR does not adequately address or analyze the potentially significant paleontological impacts. The Mitigation, Monitoring, and Reporting program is designed to deal with the probabilities of discovery during construction. The DEIR does not identify areas to be monitored or analyze the possible impacts on the environment sufficiently prior to project approval.

The DEIR in order to be thorough and extremely attentive to accuracy and detail needs to complete and discuss a site specific records search as well as stating any information regarding existing known soil conditions (native or formation). The DEIR needs to address prior to the Final EIR conditions such as depth of excavation in detail and site graded to bedrock, presence or absence of fossil resources that may reduce or increase the potential for resources to be present.

The DEIR cannot state correctly that "[P]otential impacts to paleontological resources would be reduced to below a level of significance through implementation of the following mitigation measure" (Pg. 5.5-2) because the DEIR does not verify or discuss prior to project approval the identification and analysis of potential impacts.

RE: 5.6 Noise

The DEIR noise analysis concludes that the ground-level open space is above the noise levels in excess of the City's 65dB(A) CNEL standard for exterior residential usable areas (without mitigating noise barriers, which would be required to be 5 foot tall walls to be effective). In combination with shadowing and the wind tunnel effect this may be very significant, because the project would essentially render publicly accessible spaces unusable (45,000 ft.², which includes the fourth level terraces). This cannot possibly be compensated by the open space available to the residents at the upper levels of the buildings (private balconies), and the roofs of the buildings (35,000 ft.²). As a result, at grade the project would be a forbidding and unpleasant environment.

RE: 5.7 Biological Resources

With regards to the offsite sewer improvement the DEIR (Pg. 7) states "With implementation of Mitigation Measures 5.7-1 through 5.7-7, direct impacts to sensitive habitats would be reduced to below a level of significance." The DEIR (Pg. 8) further

8.35 DEIR page 5.5.3 states that "verification" of the completed specific records search is required, not that the search would only be completed after project approval but prior to the start of construction, as indicated in this comment. The site specific records search has already been conducted, therefore prior to the start of construction verification of the completed search would be given to the Mitigation Monitoring Coordinator, as specified in Mitigation Measure 5.5-1. The probability of discovery during grading activities is discussed in the existing conditions of Section 5.5.

Mitigation Measure 5.5-1 is required for the entire project site and offsite sewer improvement. Project impacts such as depth of excavation are discussed on pages 5.5-1 and 5.5-2. As the DEIR has identified potential significant impacts and provided adequate mitigation, impacts are appropriately determined to be below a level of significance after mitigation.

8.36 This comment is noted.

COMMENTS

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states "Implementation of Mitigation Measures 5.7-8 through 5.7-11 would reduce direct impacts to sensitive species to below a level of significance."

It is apparent that the DEIR assumes that Mitigation Measures will restore the disturbed area(s). Since the DEIR (Pg. 5.7-2) states "It should be noted that the Diegan coastal sage scrub located along the north and western borders of Rose Creek are part of a previous restoration project, then the DEIR must address and analyze the success of the previous restoration project. In addition, the Diegan coastal sage scrub located at the southeastern corner of the study area is a restoration area."

8.37 ☐ The DEIR acknowledges that a previous restoration area currently exists in the proposed project area but it fails to analyze the success and/or failure of previous restoration.

8.38 ☐ Because eleven vegetation communities, 82 plant species, five sensitive plant species, fourteen species of birds, the majority of habitat onsite categorized as wetland, and the fact that Rose Canyon functions as a wildlife corridor, the DEIR is insufficient because it does not address or analyze in detail how these environmental existing conditions will be protected and furthered by the Mitigation Measures proposed.

8.39 ☐ The DEIR not only needs to adequately address the issue of whether the proposed project would result in impacts to sensitive habitats or wildlife corridors, but it needs to measure how well past mitigation has protected this area.

8.40 ☐ The DEIR (Pg. 5.7-9) states "The desert cottontail was the only mammalian species detected onsite, likely due to the fact that most native mammal species are primarily nocturnal and not easily observed during diurnal surveys." Since it is important to know exactly how many wildlife species could be affected by this project, the DEIR is deficient because no surveys were done at the appropriate time, dusk or evening. No explanation for this is given in the DEIR.

The DEIR (Pg. 5.7-17) states "No focused protocol surveys were performed for the coastal California gnatcatcher, however previous surveys in the area identified two male/female pairs approximately 0.5 mile west of the study area in Rose Canyon therefore, the gnatcatcher detected onsite is suspected to be a dispersing juvenile."

8.41 ☐ The DEIR is insufficient because no focused protocol surveys were performed and the DEIR does not state the reasons why these surveys were not done which would have updated the current conditions of the project area.

The DEIR (Pg. 5.7-28) states "A small population of decumbent goldenbush is located within the construction easement of Alignment #3, near Manhole #5." The DEIR also states "Decumbent goldenbush does not have a federal or state listing; however, it has a CNPS rating of List 1B, which is classified as rare or endangered in California and elsewhere. However, decumbent goldenbush is too common in San Diego County (primarily within mid and south county) to warrant a CNPS listing status, and should be deleted (Reiser 2001). In addition this variety is not addressed within the Jepson Manual

8.37 Please refer to response to comment 87.22. The mitigation site achieved the 5-year success criteria in 1999 and the DEIR adequately describes the present environmental setting and impacts to the mitigation site.

8.38 As indicated in the MSCP Consistency discussion on page 45-48 of the Biological Resources Report (Appendix H), the project is an allowed, compatible use within the MHPA as it is in compliance with the Subarea Plan's General Planning and Design Guidelines. As described on page 46 and 47 under the Policies section, the project has been redesigned such that impacts are minimized to the greatest extent possible and mitigation measures have been proposed to reduce impacts to a level below significance and thus protect the existing environmental conditions. In addition, the mitigation site would be protected via the implementation of the Protection and Notice Element and Management Element sections of the biology report (page 61).

8.39 Wildlife corridor impacts are discussed in Section 5.7.2 of the EIR. As discussed in response to comment 8.37, the performance of other project mitigation activities is outside the scope of the subject project.

8.40 Biological inventories are generally subject to various limitations, as stated on page 14 within the General Survey Limitations section of Appendix H. However, literature reviews (previous projects within Rose Canyon) and CNDDDB searches were performed to compensate for potential limitations. Per page 36, Thresholds of Significance section, "The goal of this analysis is to identify potential impacts of the offsite sewer project to sensitive biological resources and to other significant biological resources as determined by the CEQA process." Based on the on-site conditions, literature review, and CNDDDB searches, the project biologists prepared Tables 4-7, Present/Potentially present sensitive species. Thus, based on the results additional surveys were not required to achieve the goal of the biological document. The biological report addresses impacts to sensitive species on the following pages: 44 (Sensitive Species Impacts), 45 (Wildlife Corridor Impacts/Indirect Impacts), 47 (Lighting/Noise), and 48 (Invasives/Drainage and Toxics).

COMMENTS

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- 8.41 Coastal California Gnatcatchers (CAGN) are known to be located within and adjacent to the study area as stated on page 30 of Appendix H. Thus, this species is assumed to be present at the site. The biology report has addressed this issue by including the last mitigation measure on page 55 and Mitigation Measure 5.7-8 of the DEIR. This mitigation measure applies regardless of whether the CAGN is actually present, because presence is assumed. Protocol-level surveys may be required in order to demonstrate, to the satisfaction of wildlife protection agencies, the absence of a species. Because the presence of the species is assumed in this case, protocol-level surveys would not provide meaningful information.

(Hickman 1993). Therefore, the loss of a small population consisting of seven plants is not expected to be a significant loss."

8.42

The DEIR does not adequately define the location of the decumbent goldenbush within San Diego County. Is the project area located in the mid or south county, or is it considered north county?

Whether or not the decumbent goldenbush should be deleted or not from the CNPS listing is not relevant to the DEIR study. The DEIR's purpose is to analyze whether the proposed project would result in a reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals.

The DEIR does not adequately study or analyze whether or not the reduction of seven plants is significant or not. The DEIR assumes because the status of this species is poorly understood and additional taxonomic work is necessary to assess the different varieties that a more in depth analysis is not necessary.

The DEIR (Pg. 5.7-10) states "According to SANDAG GIS data, the offsite sewer is part of a Core Resource Area. Rose Canyon functions as a wildlife corridor supporting movement of individuals from within Rose Canyon to open space eastward and into San Clemente Canyon and vice versa (Figure 5.7-4)." The DEIR (Pg. 5.7-22) also states "Installation of the sewer across the tributary drainage under Options 2B (1) or 2B (2) could affect wildlife movement to and from Rose Canyon." The DEIR (Pg. 5.7-22) further states "Although the tributary leading into Rose Creek supports movement of individuals, from the tributary to Rose Canyon, the tributary is bound to the north by residential development and thus is not considered to be located within the main wildlife corridor."

8.43

The above statements contradict each other. Because "the impact of the offsite sewer on the MHPA area is considered significant" (DEIR, Pg. 5.7-21), the DEIR must be accurate with statements made when trying to mitigate or avoid significant impacts.

RE: 5.8 Historical Resources

The DEIR (Pg. 5.8-1) states "The project site is a graded, paved lot, and there are no cultural resources onsite, therefore no analysis of the project site was prepared."

With reference to the existing conditions and history of Rose Canyon, the DEIR states (Pg. 5.8-1) "Governor Gaspar de Portola and Friar Francisco Junipero Serra were the first European explorers of Rose Canyon and in 1769, noted that there was a large Native American population in the area."

The DEIR (Pg. 5.8-2) states "This site (CA-SDJ-4956) appears to have been destroyed by the development of University City High School."

8.42

The biological report (Appendix H) addresses impacts to decumbent goldenbush on page 44, 1st paragraph under the Sensitive Species Impacts section. Per CEQA (page 36 of the Biological Resources), a project may have a significant effect on the environment if: "The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory."

The loss of seven individuals would not threaten to eliminate the plant community or reduce the number or restrict the range of the species and is therefore not considered a significant impact. However, the revegetation palette includes *Isocoma*. The seeds to be used would be collected locally. After review of the project site on maps, the site would be considered to be located within the boundary between mid and south county. Subsequent to public review of the DEIR, the applicant has agreed to undertake a one-time transplantation of any decumbent goldenbush within the disturbance area of the sewer work, using the best available practices under the supervision of a restoration biologist (see FEIR page 5.7-28).

8.43

As stated on page 36 (2nd paragraph) of the biological report (Appendix H), impacts within the MHPA are considered significant. However, all project impacts would be reduced to a level below significance. The tributary leading into Rose Creek is bordered to the north by development; thus, is not considered to be located within the main wildlife corridor. The project impacts would be reduced to a level below significance as described on page 45 within the Wildlife Corridor Impacts section of the DEIR.

COMMENTS

RESPONSES

The DEIR (Pg. 5.8-2) states "This site (CA-SDI-8087) appears to have been destroyed by urban development."

8.44

Given the fact that a large Native American population was known to live in the area and that the project site will remove 593,000 cubic yards of soil, and that historical sites have already been destroyed in the area, the DEIR is insufficient because it assumes that, because the project site is a paved lot, that no cultural resources could be found onsite. The DEIR needs to identify and analyze historic maps to determine if early historic resources exist or existed on the project site.

With regards to the offsite sewer improvements associated with the project, (DEIR, Pg. 5.8-6) "[A]rchaeological site CA-SDI-12556 remains largely undisturbed." The DEIR (Pg. 5.8-6) states "In order to minimize disturbance to the resource, the sewer line would be installed by jacking and boring beneath the railroad line and site CA-SDI-12556." The DEIR also states, "The final determination as to the impact of the relocation of the sewer on this archaeology site cannot be determined until final design. In the absence of precise information relating to the effect of jacking and boring on CA-SDI-12556, it is assumed the impact would be significant given the fact the site is considered significant under CEQA Guidelines."

8.45

The DEIR is insufficient in that it puts off until after project approval the data recovery program which will include only up to 15 percent of the area to be impacted and that the area in which data recovery occurs shall be based on the final sewer improvement plans. The DEIR is insufficient because the qualified archaeologist will not review the final construction plan to determine the area of potential impact until the project is approved.

The DEIR does not verify or discuss prior to project approval the identification and analysis of potential impacts of the relocation of the sewer because determination cannot be realized until final design. The identification and analysis of potential impacts of the relocation of the sewer is essential given the fact that the DEIR (Pg. 5.1-19) states "Historical Resource Regulations are intended to preserve, protect, and if needed, restore the historical resources of San Diego." Further, historical resources include important archaeological sites and traditional cultural properties even if limited encroachment is allowed. The DEIR does not identify or analyze sufficiently whether or not the relocation of the sewer will be limited in nature or substantial.

8.46

The DEIR (Pg. 5.1-20) states "Development may be permitted to encroach into areas containing important archaeological sites if necessary to achieve a reasonable development area, with up to 25 percent encroachment into any important archaeological site allowed."

The DEIR is insufficient with regards to acceptable encroachment because it does not define "reasonable development" and the necessary measures to mitigate for the partial potential loss of the resource as a condition of approval using a Neighborhood Development Permit or Site Development Permit is not studied prior to project approval.

8.44

As indicated on page 2-1 of the DEIR, the area beneath the proposed development site has been previously mass graded. Any resources that may have been present on the site would have been removed during the prior grading operations. Thus, Section 5.8 of the DEIR appropriately concludes that no cultural resources are located on the development site.

8.45

It is standard procedure at the City to require that salvage and/or protection of up to 15% identified resources occur after circulation of the EIR and project approval but prior to issuance of any permit (e.g. grading permit) that could result in direct impacts to the resources. The sewer relocation is shown in Figure 5.7-3B. Regardless of whether the area of effect is considered to be limited or substantial, the EIR has identified significant impacts to cultural resources and proposed a mitigation program to reduce the impacts to below a level of significance.

8.46

The encroachment allowance provided by the Environmentally Sensitive Lands Regulations relative to the archaeology site is addressed on page 5.1-25 of the DEIR where it is concluded that the encroachment would not exceed the 40 percent allowance which includes the additional 15% because the sewer line is considered an essential public service.

COMMENTS

RESPONSES

RE: 5.9 Air Quality

- 8.47 [The Giroux report on pages 18 and 19 forecast lower levels of ROG and CO emissions in 2011 and 2012. These forecasts are not addressed in detail in the DEIR and more analysis is needed to substantiate the above forecast. The DEIR is insufficient because the health effects related to, aggravation of respiratory and cardio-vascular disease, irritation of the eyes, impairment of cardio-pulmonary function, and plant leaf injury are not fully and completely discussed or analyzed.
- 8.48 []
- 8.49 [The DEIR is insufficient because the conclusions left out the Air Quality significant impacts of CO and ROG based on questionable traffic assumptions. Any additional traffic trips will cause further degradation of air quality and will be detrimental to the health of current and future residents, workers and visitors. No financial overriding considerations can mitigate the health of all residents in the University City community.
- The DEIR (Pg. 5.9-8) states "Onsite diesel-powered construction equipment would create gaseous and particulate tailpipe emissions that are not regulated by smog control rules such as for on-road sources. Recent new rules for off-road equipment have been adopted, but they apply to future new equipment purchases and not to the historical off-road equipment likely to be used during site grading for the proposed project."
- The DEIR (Pg. 5.9-8) states "Emissions from onsite heavy equipment operations would not exceed the daily emissions activity significance thresholds."
- The DEIR (Pg. 5.9-9) states "PM-10 emissions would approach, but not exceed the thresholds."
- 8.50 [The DEIR is inadequate because it does not acknowledge that the use of alternative fueled equipment could be used to reduce emissions even more. The DEIR does not require that 90-day-low-NOx tune ups for off road equipment be required during grading and construction which would reduce emissions. The DEIR does not limit the allowable idling to five minutes for trucks and heavy equipment which would reduce emissions. These requirements would result in air emissions reduction that would limit the short term impacts of exhaust. The DEIR is insufficient with these regards because it does not address these controls or their possibility. Combined daily emissions during grading and construction that would be generated by the proposed project and the proposed sewer project improvement need to be examined in more detail because approaching but not exceeding the thresholds is significant.
- 8.51 [With regards to finishing the buildings which include application of paint and outdoor architectural coatings, the DEIR is insufficient because a detailed description of compliance with the VOC coating limitations is not given. The DEIR (Pg. 5.9-10) states "Although ROG emissions are shown to exceed the daily threshold, adherence to Rule 67 would reduce emissions to less than the threshold." Rule 67 is not stated in the DEIR.

- 8.47 Lower emission levels are the result of improvements to automobile emission controls which are mandated by federal regulations and the removal of older, less efficient cars from the roadways.
- 8.48 The number of trips generated by the proposed project would be minor in terms of the automobile emissions already occurring in the community. As discussed on pages 5.9-10 and 11 of the DEIR, mobile-source emissions levels would not result in significant emissions levels.
- 8.49 As discussed above, no direct impacts would occur from the project. Although the traffic forecast assumptions are considered appropriate, any change would not translate into a substantial change in the effect of the project's automobile emissions.
- 8.50 The construction emissions generated by the proposed project do not warrant project-specific mitigation measures. City staff agrees that the suggested measures may reduce emissions. However, mitigation can only be required to reduce significant impacts. As no significant impact was identified, the City cannot impose these measures.
- 8.51 Rule 67 was established by the San Diego Air Pollution Control District to reduce the amount of volatile organic compounds (VOCs) released into the air during application of architectural coatings such as paint. The rule states:
- Except as provided in Subsections (b)(2), (d)(2), (d)(3), and (d)(5), no person shall:
- (i) manufacture, blend, or repackage for sale within San Diego County;
 - (ii) supply, sell, or offer for sale within San Diego County; or
 - (iii) solicit for application or apply within San Diego County, any architectural coating with a VOC content in excess of the corresponding limits specified in Table I after the specified effective dates.

Rule 67 (see Table below) does not require the use of pre-coated building materials. Nor does it state a minimum quantity of paint which may be applied per unit. The use of HPLV paint applicators is not mandated. Up to 200 grams per liter of VOC is allowed for paint. No standard is established by Rule 67 for ROG.

COMMENTS

RESPONSES

Table I - VOC Standards

Coating Categories	Effective (Date of Adoption) Limit ¹		Effective 1/1/2003 Limit ¹		Effective 1/1/2004 Limit ¹	
	lb/gal	(g/l)	lb/gal	(g/l)	lb/gal	(g/l)
General Coatings:						
Flat Coatings	2.1	(250)	0.8	(100)		
Nonflat Coatings	2.1	(250)	1.3	(150)		
Nonflat Coatings - High Gloss	2.1	(250)				
Specialty Coatings:						
Antenna Coatings	4.4	(530)				
Antifouling Coatings						
Bituminous Roof Coatings	2.5	(300)				
Bituminous Roof Primers	2.9	(350)				
Bond Breakers	2.9	(350)				
Clear Wood Coatings:						
Clear Brushing Lacquer	5.7	(680)				
Lacquers (including lacquer sanding sealers)	5.7	(680)	4.6	(550)		
Sanding Sealers (other than lacquer sanding sealers)	4.6	(550)	2.9	(350)		
Varnishes	2.9	(350)				
Concrete Cutting Compounds						
Dry Fog Coatings	2.9	(350)				
Faux Finishing Coatings	3.3	(400)				
Fire Retardant Coatings	2.9	(350)				
Fire Retardant Coatings:						
Clear	5.4	(650)				
Opaque	2.9	(350)				
Floor Coatings	3.3	(400)	2.1	(250)		
Flow Coatings	3.5	(420)				
Form-Release Compounds	2.1	(250)				
Graphic Arts Coatings (Sign Paints)	4.2	(500)				
High Temperature Coatings	5.4	(650)	3.5	(420)		
Industrial Maintenance Coatings	3.3	(400)			2.1	(250)
Low-Solids Coatings	1.0	(120)				
Magnesium Cement Coatings	5.0	(600)	3.8	(450)		
Mastic Texture Coatings	2.3	(300)				
Metallic Pigmented Coatings	4.2	(500)				
Multi-Color Coatings	4.8	(580)	2.1	(250)		
Pre-Treatment Wash Primers	6.5	(780)	3.5	(420)		
Primers, Sealers, and Undercoaters	2.9	(350)	1.7	(200)		
Quick-Dry Enamels	3.3	(400)	2.1	(250)		
Quick-Dry Primers, Sealers, Undercoaters	4.4	(525)	1.7	(200)		
Recycled Coatings	2.1	(250)				
Roof Coatings	2.3	(300)	2.1	(250)		
Rust Preventative Coatings	3.3	(400)				
Shellacs:						
Clear	6.1	(730)				
Opaque	4.6	(550)				
Specialty Primers, Sealers, and Undercoaters	2.9	(350)				
Stains	2.9	(350)	2.1	(250)		
Swimming Pool Coatings	5.4	(650)	2.8	(340)		
Swimming Pool Repair & Maintenance Coatings	5.4	(650)	2.8	(340)		
Temperature-Indicator Safety Coatings	4.6	(550)				
Traffic Marking Coatings	2.1	(250)	1.3	(150)		
Waterproofing Sealers	3.3	(400)	2.1	(250)		
Waterproofing Concrete/Masonry Sealers	3.3	(400)				
Wood Preservatives	2.9	(350)				

¹ Revision in effect unless revised limits are indicated in subsequent columns. The VOC content limits take into account the "Manufacturer's Maximum Thinning Recommendations," if any.

² Expressed in pounds VOC per gallon (or grams VOC per liter) of coating, as applied, less water, exempt compounds, and colorant added to flat bases.

³ VOC content limits are expressed in pounds of VOC per gallon (or grams of VOC per liter) of coating, as applied, including water and exempt compounds.

8.51
Cont.

Does Rule 67 require that the project applicant prepare a paint phasing plan stimulating that a maximum of 100 gallons of low VOC paint be applied to the dwelling units per day?

Does Rule 67 require using pre-coated building materials? Does it require using high pressure-low volume (HPLV) paint applicators with fifty percent efficiency? And does it require using lower volatility flat pain with 100 grams of ROG per liter or less?

RE: 5.10 Hydrology

The Hydrology section of the DEIR (Pg. 5.10-5) states "The existing storm drain plans indicate a design flow of 6.9 cfs through the project site; therefore development of the site would increase the peak runoff rate by roughly 9.7 cfs."

8.52

The proposed project will discharge additional pollutants into an already impaired water body, and yet the DEIR fails to sufficiently analyze the extent of the increased pollutant discharge created by the proposed project and the cumulative effect on the environment.

RE: 5.11 Water Quality

The DEIR (Pg. 5.11-1) states "Surface water quality in the Miramar HA is considered to be poor due to urban runoff related to automobile discharge of hydrocarbons (oil and grease) as well as antifreeze, tire rubber and heavy metals from brake linings. However, the surface water is not considered seriously degraded."

The DEIR (Pg. 5.11-1) states "The Miramar HA ultimately drains into Mission Bay. Mission Bay is listed on the EPA's 303(d) list of impaired waterways. In addition, the mouth of Rose Canyon was listed for eutrophic and lead indicators."

8.53

The DEIR sites the above existing conditions but does not define or adequately discuss the verbiage "poor", "impaired waterways" or why the "surface water is not considered seriously degraded." The DEIR does not evaluate these current conditions with regards to the proposed projects addition of automobiles and how the additional automobiles will impact the environment.

With regards to the Basin Plan (Pg. 5.11-2) which provides water quality objectives and identifies beneficial uses for surface waters within the Miramar HA, the DEIR states "The only potential beneficial use for ground water in the vicinity of the project is industrial service supply." It then states, "In addition to the beneficial uses for surface water within the project area, the ultimate destination of surface runoff from the project, Mission Bay, has a number of beneficial uses including an emphasis on recreation and wildlife resources including marine life."

The DEIR states that Mission Bay is an impaired waterway and that the only potential use for ground water in the project vicinity is industrial service supply.

8.52

The discussion of potential urban pollutants contained in the EIR is consistent with the potential for impact.

8.53

The project would be required to comply with all state and local stormwater regulations. In compliance with the standards through the project elements described within the EIR would preclude direct and cumulatively considerable water quality impacts.

COMMENTS

RESPONSES

8.54

The Random House Webster's College Dictionary (Copyright 2000) defines "ground water" as "the water beneath the surface of the ground, the source of spring and well water (Pg. 581)." The DEIR defines "surface water" as urban runoff related to rain but it does not define "ground water" nor does it discuss this condition. These two terms are not synonymous for they do not imply the same idea. Ground water is not part of the Basin Plan water quality objectives. The DEIR discusses surface water beneficial uses not ground water but the DEIR concludes that there is a potential ground water beneficial use in the project vicinity.

Further, the DEIR (Pg. 5.11-2) concludes "beneficial uses" for surface water within the project area, yet does not identify them. The DEIR does recognize that the "ultimate destination of surface runoff" is Mission Bay which apparently has a number of beneficial uses "including an emphasis on recreation and wildlife resources including marine life" even though the DEIR acknowledges Mission Bay is an impaired waterway.

The DEIR (Pg. 5.11-6) states "Long-term use of the property would generate potential water pollutants related to the use of pesticides and herbicides on landscape areas, trash and automobile by-products such as oil, grease, brake linings and fuel. These materials would be picked up in runoff and discharged into downstream areas and, ultimately Mission Bay, where they would contribute to existing water pollutant levels which adversely affect humans, plants, and animals associated with the bay."

The DEIR (Pg. 5.11-7) states "Significant long-term water quality impacts would be precluded through adherence to State and City water quality standards and implementation of the controls identified in the project's Water Quality Technical Report (Appendix L)."

8.55

These mandated controls do not preclude the creation of runoff pollution. If they did, Mission Bay would not be considered an impaired water body today. The DEIR fails to sufficiently analyze the extent of the increased pollutant runoff created by the proposed project and the cumulative effect on the environment.

RE: 5.12 Geologic Conditions

The DEIR (Pg. 5.12-5) states "Although the relative risk of geologic hazards at the project site are indicated to be nominal or low, the scope and location of the project warrant an evaluation as contained in this section."

The DEIR (Pg. 5.12-5) states "The project site and offsite sewer area are considered to be in a seismically-active area, as is most of southern California, and is likely to be subjected to moderate to strong seismic shaking during the life of the project. No active, potentially-active or inactive faults are known to exist on the site or in the immediate vicinity, and none were observed during the field investigation."

According to Geocon, Inc., which is the geotechnical consultant for the proposed project, states (Pg. 1 May 17, 2005 Report) "The study area for the offsite sewer line extends

8.54

As discussed on DEIR page 5.11-2, the only beneficial use for groundwater in the area is industrial service supply, according to the Basin Plan. As this use does not depend on the quality of the groundwater, no further analysis is required.

8.55

The comment that application of mandatory urban runoff controls to new development would not avoid impacts to Mission Bay is true. However, this is primarily due to the amount of existing urban runoff sources which are not subject to recent laws and regulations.

approximately 3,200 feet to the north, 4,000 feet to the south, 1,400 feet to the east, and 850 feet to the west."

The DEIR (Pg. 5.12-5) states "Located approximately three miles west of the site and 2.5 miles from the offsite sewer improvement, the Rose Canyon Fault is the closest known active fault." The DEIR also states "The results of the seismicity analysis indicate that Rose Canyon Fault Zone is the dominant source of potential ground motion at the site. The Rose Canyon Fault has a maximum credible (upper bound) Magnitude of 7.2 and is considered to be representative of the potential for seismic ground shaking within the property."

According to the study conducted by Geocoin, Inc. (Pg. 4 May 17, 2005 Study) "Earthquakes that might occur on the Rose Canyon Fault or other faults within the southern California and northern Baja California area are potential generators of significant ground motion at the site." The report also states "The results of the seismicity analyses indicate that the Rose Canyon Fault is the dominant source of potential ground motion at the site."

8.56

The DEIR is insufficient with regards to the evaluation of the relative risk(s) of geologic hazards because the DEIR contradicts facts. The project site and offsite sewer area are in a seismically-active area (Rose Canyon Fault) and the DEIR determined that the project site was not in the immediate vicinity of a potentially-active fault.

8.57

The DEIR is insufficient because it does not analyze the effects of a 7.2 magnitude earthquake on the proposed project, nor does it compare the proposed development in accordance with the Community Plan for a 400-room hotel. The proposed project intends to build 4 towers ranging from 32 to 35 stories whereas the approved community plan would be a 14 story hotel. The DEIR does not address at all the building structure differences when discussing if the proposed project exposes people or property to geologic hazards such as earthquakes.

8.58

The City's significance thresholds and geologic impacts (DEIR, Pg. 5.12-6) does state that potential significant impacts to "people" and "structures" needs to be analyzed. There is no such analysis, the DEIR only states (Pg. 5.12-6) "Expose people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure or similar hazards."

8.59

In order for the proposed project and/or its alternatives to be adopted in place of the development in accordance with the approved Community Plan, the significant potential impacts such as earthquakes which require the decision maker to make the finding that the overall project is acceptable despite significant impacts because of specific overriding considerations must be measured, analyzed, and substantiated in the record. This criterion cannot be met because the DEIR does not address how the significant effect of an earthquake might be avoided or mitigated sufficiently. There is no discussion in the DEIR with regards to proper engineering design and utilization of standard construction practices.

8.56

The DEIR on page 5.12-5 states that "The project site and offsite sewer area are considered to be in a seismically-active area...", and that no active faults are located within the immediate vicinity of the project as the nearest fault, Rose Canyon Fault, is located approximately 3 miles west of the site and 2.5 miles from the offsite sewer improvement.

8.57

As discussed in Section 5.12, earthquake design in accordance with the Uniform Building Code requirements would safeguard the project against major structural failures. Uniform Building Codes are required regardless of the height of the building. The DEIR includes a discussion of the risk of earthquakes or other seismic events at the site. (DEIR, Section 5.12). The commenter is correct that a magnitude of 7.2 is considered the maximum credible magnitude earthquake at the site. The project would be designed to withstand an earthquake. (DEIR, p. 5.12-7).

8.58

A detailed analysis of this issue is not necessary, because the project is required to comply with the Uniform Building Code. As stated on page 5.12-7, "earthquake design in accordance with the currently adopted Uniform Building Code would safeguard the project against major structural failures and loss of life."

8.59

As discussed in response to comment 8.57, the project would conform to the requirements of the Uniform Building Code (UBC), which require proper engineering design and utilization of standard construction practices. The threat of seismic activity on the project site is not sufficiently high to expect that the standard UBC requirements would not be adequate.

8.59
Cont.

Even though it is recognized that seismic design of the proposed structures should be performed in accordance with the Uniform Building Code (UBC) guidelines currently adopted by the City of San Diego, the purpose of the DEIR is to identify and analyze the possible impacts on the environment and ways in which the significant effects of the proposed project might be avoided or mitigated.

The final determination as to the impact of an earthquake cannot be determined until final design which is put off until project approval even though the DEIR ascertains that the potential exists.

The DEIR (Pg. 5.12-6) states "The potential for liquefaction and seismically-induced settlement exists for the southern portion of the offsite sewer area within the alluvium."

The DEIR (Pg. 5.12-7) states "Liquefaction could occur in alluvium located along the southern portion of the offsite sewer line."

According to Geocon, Inc. (Pg. 1 May 17, 2005 Report) "Based on our review of referenced documents and observations during our site reconnaissance, the offsite sewer study area is underlain by alluvium and formational materials of the Lindavista and Scripps Formations."

The Geocon, Inc. report states (Pg. 5 May 17, 2005 Report) "Liquefaction typically occurs when a site is located in a zone with seismic activity, onsite soil is cohesionless, groundwater is encountered within 50 feet of the surface, and soil relative densities are less than about 70 percent. If all four previous criteria are met, a seismic event could result in a rapid pore-water pressure increase from the earthquake-generated ground accelerations. The potential for liquefaction and seismically induced settlement occurring within the site soil exists at the southern portion of the site within the alluvium."

8.60

Given that the DEIR acknowledges that the offsite sewer study area is underlain by alluvium and that the potential for liquefaction exists at the southern portion of the site within the alluvium, the DEIR does not sufficiently or specifically address any mitigation, monitoring, and/or reporting that would ensure that the potential direct impacts of an earthquake would be less than significant.

RE: 5.13 Light, Glare and Shading

8.61

The DEIR fails to quantify the extent to which the open space that needs to be provided by the Project (112,000 ft.² total, 80,000 ft.² usable) is shadowed by the buildings -- the buildings are tall and the space between them is narrow (viz the so-called pocket park!); therefore, it is likely that the usability of this open-space will be significantly interfered with by the shadow cast by the buildings. The DEIR needs to provide a calculation of the total time that this space will be exposed to the sun during the day. This analysis needs to be provided for all project alternatives, 35 stories, 30 stories, and 21 stories. The usability

8.60

The offsite sewer would be constructed in accordance with City standards. The design would incorporate elements (e.g., double ball joints) to help the pipeline withstand earth movement. Adherence to City design standards would preclude impacts; therefore, no mitigation is necessary.

8.61

Please refer to response to comment 8.34. CEQA does not require that project alternatives be analyzed at an equal level of detail. It is self evident that structures with fewer stories would create less shading than that shown in Figures 5.13-1 through 5.13-3.

COMMENTS

RESPONSES

- 8.62 [] of the open-space will also be significantly affected by the air movement (wind tunnel effect) around and between the tall buildings. These two effects, shadowing and excessive wind disturbance, combined, will render the required usable open space unusable. This combined effect needs to be investigated in depth. The wind tunnel effect in combination with the noise impacts will degrade the open space requirement making the project unable to meet the City's requirement of usable, public open space.
- 8.63 []
- RE: 5.14 Energy Conservation**
- 8.64 [] The Monte Verde EIR "Table of Contents" (Pg. i) lists Energy Conservation as 5.14, yet there is no Energy Conservation section in the DEIR hard copy provided, thus the UCPG Executive Committee is unable to review and comment.
- RE: 6.0 Cumulative Impacts**
- The DEIR (Pg. 8-39) states "Cumulative impacts found not to be significant: Land use, water quality, visual effects/neighborhood character, noise, air quality, geologic conditions, paleontological resources, hydrology, energy conservation, light, glare and shading, biological resources, and historical resources. Project would result in direct impacts to some of these, but be mitigated to below significance."
- 8.65 [] The Draft EIR fails to acknowledge and glosses over the cumulative impacts that this proposed project and alternatives will have to the neighborhood character due to the excessive heights of these buildings as in contrast to the surrounding buildings. This will forever change the character of North UC.
- 8.66 [] The Draft EIR glosses over the fact and ignores that this project will add hundreds of new residents in an area that already falls short of the City standard in neighborhood parks and library services.
- 8.67 [] The Draft EIR glosses over the cumulative impacts that the 5-12 year construction of this project will have on this community as to traffic, as many of the traffic issues will be unmitigated. It fails to address construction traffic in regards to the completion of the Sewer project on Genesee Ave.
- RE: 7.0 Growth Inducement**
- 8.68 [] This project will permit densities which far over exceed what is allowed in the UCP which is 45-75 du/acre to 168du/acre. This will open the door for further density increases which this community can not handle. This area already has high density. The DEIR fails to address this.
- 8.69 [] In conclusion, if the EIR is to be used in selecting an alternative, then Findings and a Statement of Overriding Considerations, if appropriate, should be presented for each project alternative studied in conjunction with the distribution of the Final EIR. The Findings should include the cost and funding source (example: Fire Stations) associated

- 8.62 Please refer to responses to comments 8.14 and 8.34.
- 8.63 Please refer to responses to comments 8.14, 8.34, 87.12 and 87.15.
- 8.64 The energy section was inadvertently omitted from the printed copies of the DEIR which were distributed for public review; this chapter was on the CD version of the DEIR which was provided to the UCPG. Although the energy section does not identify any substantial new information or new significant impacts, the City did send the energy section to all of those who received the printed copy to give them a chance to comment on its contents. The recipients were given 14 calendar days to provide any comments to the City. During that time, no public comments were received.
- 8.65 DEIR page 6-1 states, "Cumulatively considerable means that the incremental effects of an individual project would be considerable when viewed in connection with the effects of past, current or probable projects." As discussed in Section 5.3, the project would have a direct significant unmitigable impact on neighborhood character because the proposed building heights would exceed those in the surrounding area. However, as discussed in Section 6.2.2, no similar height buildings exist in the immediate area, and none are proposed in the area. Therefore, the height of the project would not be viewed in connection with buildings of similar height as none exist, and no cumulative height impacts are expected to occur.
- 8.66 Please refer to response to comment 10.4. All cumulative projects would pay fees for parks and libraries. No physical impacts would occur.
- 8.67 The traffic analysis did not assume any phasing, therefore the 2005 analysis assumes trips for all four buildings. Construction traffic would be less than operational traffic, therefore the near-term analysis more than assumes construction traffic. As discussed in DEIR Section 6.1.1, significant cumulative traffic impacts to intersections and ramp meters are identified. Cumulative impacts to intersections are reduced to below a level of significance by Mitigation Measure 5.2-1. Cumulative impacts to metered freeway onramps are reduced by Mitigation Measure 5.2-2,

COMMENTS

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but not to below a level of significance. Therefore, the DEIR identifies significant and unmitigable traffic impacts to traffic at metered freeway onramps.

The replacement of the existing 10" and 12" sewer line with an 18" sewer line would require detailed traffic control plans to manage construction related traffic. The sewer line is located under the travel lane adjacent to the raised median, necessitating the need to close that lane, plus an additional area for staging of construction equipment. Genesee Avenue is a major street, so this type of construction requires that work occur outside of the commute hours. Typically this type of work needs to occur between 8:30 am to 3:30 pm. The construction of a sewer line is anticipated to take approximately six months and would require the following construction workers and equipment:

- Employees - 10 to 12 maximum,
- 2 track-type 100,000 lb. excavator,
- 1 - 3 1/2 cy rubber tired loader,
- track type loader for Rose Canyon,
- water truck for Rose Canyon (1),
- two (2) end dumps (trucks),
- two (2) crew trucks (2 ton flat beds),
- street sweeper,
- area for stockpile of material (gravel and materials), and
- construction trailer and storage of supplies/equipment.

The construction would likely be staged in increments that can be completed each day. For instance 100 to 200 foot work zones would be constructed each day. The roadway would first be trenched, then temporary sewer connections would be made at either end of the construction zone, then the existing line would be removed or capped, the new line would be installed and reconnected, and then the trench would be filled and the street would be opened to traffic.

The traffic associated with this amount of equipment and construction workers would not be substantial, especially given that the work would need to occur outside of the typical commute hours. As a single construction truck causes more burden on roadways system than a single passenger car, traffic engineers have devised a way to comparably analyze construction truck traffic. A passenger car equivalency (PCE) of 1.5 is used to convert the number of truck trips to vehicle trips. Assuming three trips per employee (36 Average Daily Traffic (ADT))

COMMENTS

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and 90 round trip deliveries and/or moving of equipment each day, the total estimate of daily construction trips is about 130 ADT. The 130 ADT would be added to the 711 ADT for construction traffic associated with the buildings, for a total of 841 ADT. The addition of 130 ADT for construction traffic related to the offsite sewer does not change the conclusion of the DEIR that while the construction-related traffic would add to congestion, no significant impact would occur.

Detailed construction work zone and traffic control plans would be required as part of the construction plans submitted for the work. The City of San Diego would review these plans to ensure that adequate traffic flow and public safety is maintained during construction.

8.68 Please refer to responses to comments 10.2 and 10.3.

8.69 Candidate Findings will be submitted to the City Council regarding the infeasibility of the alternatives considered in the EIR. As appropriate, economic factors contributing to the infeasibility will be included in the findings.

COMMENTS

RESPONSES

8.69
Cont.

with each alternative since cost and funding will undoubtedly be major factors in determining the feasibility and selection of the project alternative to be implemented.

The UCPG Executive Committee looks forward to receiving the Final EIR, Findings, and Statement of Overriding Considerations on behalf of the UC community. If you have any questions concerning this letter, please contact Linda Colley, Chair of the UCPG at (858-453-0435) or via email at lcolley1@san.rr.com.

Sincerely,

Linda Colley
Linda Colley
University Community Planning Group, Chair

Cc: Petr Krysl, Vice Chair
Pat Wilson, Secretary
Milton J. Phegley, Membership Secretary (UCSD Administration)
Charles Herzfeld, Resident 1 Representative
Brian Wilson, Resident 1 Representative
James Mayfield, Resident 2 Representative
Marjorie Stevens, Resident 2 Representative
Marilyn Dupree, Resident 3 Representative
Sid Schipper, Resident 3 Representative
Sherry Rappoport, Business 1 Representative
Thomas Tighe, Business 1 Representative
J. Deryl Adderson, M.D., Business 1 Representative
Pete Wyde, Business 2 Representative
Harry Walker, Business 2 Representative
Randal Miles, D.D.S., Business 2 Representative
Alice Tana, Business 3 Representative
Sherry Jones, Business 3 Representative
George Latimer, Business 3 Representative
Major Ross D. Hettiger, MCAS-Miramar Representative
Dan Monroe, Planning Department

Peter A. Wilson
Secretary, UCPG



San Diego County Archaeological Society, Inc.

Environmental Review Committee

24 September 2006

To: Ms. Elizabeth Shearer-Nguyen
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Environmental Impact Report
Monte Verde
Project No. 6563


Dear Ms. Shearer-Nguyen:

I have reviewed the historical Resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR and its Appendix I, we concur with the impact analysis and mitigation measures for historical resources as proposed.

SDCAS appreciates being included in the City's environmental review process for this project.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Gallegos & Associates
SDCAS President
File

9.1

9.1 Comment noted.

COMMENTS

From: "Joan adaskin" <nksada@yahoo.com>
To: <DSDEAS@esandiego.gov>
Date: Wed, Sep 27, 2006 4:28 PM
Subject: Project No. 0563/SCH No. 2003091106

10.1 I am concerned about the visual effects and the character of the neighborhood. The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

10.2 Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

10.4 Park and Library Services: The Draft EIR acknowledges that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this is not a significant impact. The Draft EIR cannot ignore this significant and unmitigable impact.

10.5 The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 6-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

10.6 The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

10.9 I do hope that you will pass the alternative, if you pass anything at all.

Joan Adaskin
4207 Camino Ticino
SD 92122
e-mail: Joan@Adaskin.com
phone: 858-453-4532

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

RESPONSES

- 10.1 As the comment notes, the DEIR finds significant and unmitigable impacts to neighborhood character due to the height of the four buildings. Section 5.3 includes textual analysis as well as several photosimulations of the buildings to provide detailed support for this conclusion. Concluding that an impact is significant and unmitigable is the most conservative determination under CEQA. The commenter states that, in her view, the DEIR understates the magnitude of the impact. Although this disagreement is noted, the analysis, including photo simulations, was based on the existing visual setting, and accurately depicts the size, scale and mass of the proposed project.
- 10.2 As discussed on page 5.1-25 of the DEIR, the density is averaged over the overall Costa Verde Specific Plan. This approach is appropriate because this project is the final phase of this Specific Plan. Therefore, the overall density for the Costa Verde Specific Plan would increase from 48 dwelling units per acre to 55 dwelling units per acre. This density is less than the maximum of 75 dwelling units per acre allowed by the Community Plan.
- 10.3 The proposed Community Plan Amendment would not allow for an increase in density for the proposed project. As discussed above, implementation of the project would increase the overall density for the Costa Verde Specific Plan from 48 to 55 dwelling units per acre. Furthermore, the additional 380 residential units which would exceed the balance of unrealized residential development in Costa Verde would be achieved by converting the allowed hotel use to a number of residential units that would be equivalent to the number of automobile trips which would have otherwise been generated by the hotel use. Therefore the Community Plan Amendment would increase the number of residential units in the Community Plan area, and would increase the density within the Costa Verde Specific Plan, but it would not exceed the maximum of 75 dwelling units per acre allowed by the Community Plan. A related concern may be the overall intensity of development, which is actually a reduced (as measured by traffic) intensity substitute for development already allowed by the Costa Verde Specific Plan. Thus, it would be speculative to state that the project would set a precedent for increasing density which could be cited by other developers seeking to increase the density on their property.

The Community Plan Amendment is not needed to allow the proposed heights. There are no height limitations in the Community Plan. However, the project is bound by the height restrictions of the FAA.

The potential for the project to induce growth is addressed in Section 7.0 of the DEIR. The analysis notes that approval of the project could encourage other developers to submit similar proposals. At the same time, as the DEIR states, the University City area is approaching full build-out. (See DEIR, p. 7-1.)

- 10.4 As stated on DEIR page 5.4-8, "in accordance with Sections 15126.2(a) and 15382 of the CEQA Guidelines, impacts related to public services are evaluated in light of whether the impact would result in a physical change in the environment." As discussed on page 5.4-10 of the DEIR, the provision of adequate library facilities is a facilities financing issue, for which the applicant would pay FBA fees. Similarly, the project is subject to a FBA fee for parks which the applicant would pay. As the DEIR indicates, the residents of the project would increase demand for library facilities and parks. (See DEIR, p. 5.4-10.). These issues are a planning and facilities matter, and while they are a concern, they are not CEQA issues.
- 10.5 The potential impact of shadows from the project buildings is analyzed in Section 5.13. Projected shadow simulations are shown in Figures 5.13-1 through 5.12-3. The DEIR concluded that impacts would be less than significant. The analysis of potential shadow effects was based on an accurate model of the size, scale, mass and location of the proposed project. The commenter's concern that the shadow impact may be understated is noted.
- 10.6 Construction traffic is discussed on page 5.2-45 of the DEIR. The amount of construction traffic has been evaluated for the period of time when the highest amount of truck traffic would occur (excavation for the underground parking structures) and for typical construction activities. The analysis found that construction traffic levels would be far less than traffic levels with the proposed project. As such, a quantitative analysis of construction activity was not necessary. Construction routes on La Jolla Village Drive and/or Nobel Drive to Interstates 5 and 805 were identified. The precise routing would be subject to a construction traffic control plan that would be required prior to commencement of construction activities. Please refer to response to comment 8.67 for a discussion of construction traffic for the offsite sewer improvement.

COMMENTS

RESPONSES

- 10.7 Noise from construction vehicles such as excavators, dozers, and haul trucks would result in approximately 72 dB Leq at 100 feet from the centerline of activity, which is within the 75 dB Leq threshold for construction activities. Noise from other construction vehicles is not analyzed in the DEIR because the project would generate too few truck trips at any one time to cause a change in the modeled noise contours. Furthermore, all construction traffic would be required to adhere to the maximum hourly sound levels and construction hours specified by the City's Noise Control and Abatement Ordinance, which assures that impacts would be avoided or lessened. City requirements relating to construction noise are summarized on pages 5.6-4 to 5.6-7 of the DEIR.
- 10.8 The purpose of the alternatives analysis in an EIR is not to choose a particular alternative. Rather, the purpose of this analysis is to ensure that the agency's decision-makers and the public are provided with a reasonable range of alternatives aimed at, to the extent feasible, avoiding or substantially lessening the project's significant environmental impacts while still achieving most or all of the project's goals. Whether to approve or deny the project, or choose an alternative to the project, is a decision that would be made by the City Council after the CEQA process has been completed. The City's decision would be reflected in formal findings that would be adopted as part of the project approval process. (See Pub. Resources Code, § 21081.) Candidate findings will be prepared for the City Council's consideration. These proposed findings will be available prior to the City Council hearing for the Final EIR.
- 10.9 The commenter's preference for the Reduced Project Alternative – 21-Story – is noted.

COMMENTS

RESPONSES

From: "Sandy Agan" <sagan@quidel.com>
 To: <DSDEAS@sanidiego.gov>
 Date: Wed, Sep 27, 2006 10:35 AM
 Subject: Project No. 0563/SCH No. 2003091108

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 188 dwelling units per acre compared to the currently allowable 45-75 uni/acre. The EIR must fully and clearly describe the severe impacts of these changes.

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledge that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

Sandy Agan
 1612 Shields Avenue
 Encinitas, CA 92024

11.1 Please refer to responses to comments 10.1 through 10.8.

11.1

COMMENTS

RESPONSES

From: "Robert Alzusa" <ralzusa@san.r.com>
 To: <DSDEAS@san.diego.gov>
 Date: Wed, Sep 27, 2006 2:01 PM
 Subject: Project No. 6563/SCH No. 2003091108

To whom it may concern,

My name is Robert Alzusa. My family and I have been living in University City for over 20 years. Our address is 2967 Briand Ave., San Diego, CA 92122.

I object to the Monte Verde project being planned. The following state the reasons for my objection:

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

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The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

Please take these objections into consideration. Please do not allow these towers to be built.

Sincerely,
 Robert Alzusa
 2967 Briand Ave.
 San Diego, CA 92122
 658-457-4821

12.1 Please refer to responses to comments 10.1 through 10.8.

12.2 Comment noted. By law, this document must not endorse or oppose the project. The purpose of this document is to disclose the significant impacts of the project so that the City Council can make an informed decision. The decision to approve, deny, or modify the project would be made by the San Diego City Council at a public hearing.

COMMENTS

RESPONSES

From: "Amy Allemann" <sailemann@quadelaw.com>
 To: <DSDEAS@sanidiego.gov>
 Date: Wed, Sep 27, 2006 8:31 AM
 Subject: Project No. 6563/SCH No. 2003091108

Comments on the Draft EIR for Monte Verde

13.1

University City is already overbuilt. Why add so many more units, increase the traffic and ruin the neighborhood. Many residents of UC are considering leaving what used to be a wonderful community due to the overbuilding. Build downtown, where it is supposed to be, not in a residential community.

With regards to the Draft EIR

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 46-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

13.2

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

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The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 16 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

Amy Allemann
 3214 Mitkin Ave
 San Diego, CA 92122

Aka

Amy Elizabeth Allemann, Esq.
 QUADE AND ASSOCIATES
 11230 Sorrento Valley Road, Suite 225
 San Diego, Ca 92121
 Phone: (658) 642-1700
 Fax: (658) 642-1778

email: sailemann@quadelaw.com

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CC: "Amy Allemann" <sailemann@quadelaw.com>

13.1 Comment noted.

13.2 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: "Markus Ardeleanu" <markus_ardeleanu@hotmail.com>
 To: <dadeas@sandiego.gov>
 Date: Wed, Sep 27, 2006 10:04 AM
 Subject: Comments on the Draft EIR for Monte Verde

14.1

Visual Effects and Neighborhood Character: The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 188 dwelling units per acre compared to the currently allowable 46-76 units/acre. The EIR must fully and clearly describe the severe impacts of these changes.

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

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The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

Sincerely,

Markus Ardeleanu, MD
 7948 Playmor Terrace
 San Diego, CA 92122

Stay connected with the news, people, places and online services that matter to you on Live.com
<http://www.live.com/getstarted.aspx?cid=T001MSN30A0701>

14.1 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: "sally arko" <ssarko@yahoo.com>
 To: <DSDEAS@sandiego.gov>, <info@uogolden.org>
 Date: Wed, Sep 27, 2006 1:16 AM
 Subject: Project No. 8563/SCH No. 2003081108

15.1

Questions on the Draft EIR for Monte Verde

My questions to the city are as follows:

Question 1.) Did Jerry Sanders, to any degree, endorse the Regents Road Bridge Project so the developer of the Monte Verde project can achieve or satisfy the FAR requirements needed to build a high rise project for higher density in that area?

Question 2.) Did Jerry Sanders, to any degree, endorse the Genessee Widening Project so the developer of the Monte Verde project can achieve or satisfy the FAR requirements needed to build a high rise project for higher density in that area?

Question 3.) Has Jerry Sanders ever collected any political contributions from the developer, or from any employees of the developer of the proposed "Monte Verde" project?

Question 4.) What is the name of the development company and the name of the president or chairman of the development company of the proposed "Monte Verde" project?

Question 5.) When will the city stop trying to turn the Golden Triangle into another jammed up Mission Valley or Downtown?

-Sally Arko (38 yr community resident)
 6053 Carnegie St.
 San Diego, CA 92122

Comments on the Draft EIR for Monte Verde

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

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The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

Sally

15.1

The applicant for the Monte Verde project is Costa Verde Hotel, LLC. Staff is unable to respond to questions 1, 2, 3 and 5 as they are outside of the scope of this environmental analysis. However, the commenter's questions have been forwarded to the Mayor's office.

15.2

Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: <info@ucgolden.org>
Date: Tue, Sep 28, 2008 8:14 PM
Subject: Send email Weds 27th on proposed giant towers

Dear Friends,

We are asking you to send a letter immediately - deadline 5 pm Wednesday Sept. 27 - in response to the following situation. With out and paste below, this should take you only 10 minutes.

A developer is proposing to build 4 GIANT high rise towers at the corner of Genesee Avenue and La Jolla Village Drive. On that one corner, he is proposing two 35 story and two 32 story buildings - In contrast, the residential tower there now is 16 stories!

Comments on the draft Environmental Impact Report (EIR) on this project (called "Monte Verde") are due to the city on Weds. at 5 pm. If you submit a comment, the city must respond to that comment in its final EIR.

You can add your own comments or just cut and paste the info below into an email and send it by 5 pm Wednesday to:
OSDEAS@sanidiego.gov

Put in subject line: Project No. 0563/SCH No. 2003091106

Give your name and address.

CUT AND PASTE THE FOLLOWING INTO THE EMAIL - ADD YOUR OWN COMMENTS IF YOU WANT:

Comments on the Draft EIR for Monte Verde

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 units/acre. The EIR must fully and clearly describe the severe impacts of these changes.

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15.3 Please refer to responses to comments 10.1 through 10.8.

15.3

COMMENTS

RESPONSES

From: "Joe Bailey" <baileyjoseph@yahoo.com>
To: <dadeas@sanidiego.gov>
Date: Wed, Sep 27, 2006 1:33 PM

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 166 dwelling units per acre compared to the currently allowable 45-75 units/acre. The EIR must fully and clearly describe the severe impacts of these changes.

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledges that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 6-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

I am asking you to stand up against the developers and show some "backbone" unlike Scott Peters and the rest of the city council. Thank you.
Joe Bailey, U C resident

Do You Yahoo?
Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

16.1 Please refer to responses to comments 10.1 through 10.8.

16.2 The commenter's views regarding the merits of the project will be forwarded to the City Council as part of the FEIR.

COMMENTS

RESPONSES

From: Stephane Bardin [baoshiyuan@hotmail.com]
Sent: Wednesday, September 27, 2006 8:34 AM
To: DSDEAS@sandiego.gov
Subject: Project No. 6563/SCH No. 2003091106

Comments on the Draft EIR for Monte Verde

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

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The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

Once again, we see that the city of San Diego does not respect its own research, the environmental impact studies it conducts, all in pursuit of revenue dollars. Is this city so bankrupt from mismanagement that we need to sell our city off to developers, the same as the Regents Rd bridge?

17.1 Please refer to responses to comments 10.1 through 10.8.

17.2 The commenter's views regarding the merits of the project will be forwarded to the City Council as part of the FEIR.

COMMENTS

RESPONSES

From: "Rose Bartindale" <rbarind@san.r.com>
 To: <DSDEAS@san.r.com>
 Date: Wed, Sep 27, 2006 5:38 AM
 Subject: Project No. 6563/SCH No. 2003091106

Comments on the Draft EIR for Monte Verde

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

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Genesee Ave. is now overburdened with traffic and facing major changes. Please do not add further to this severe problem.

Rose Bartindale
 3191 Carnegie Pl.
 San Diego, CA 92122
 618-453-0643
 rbarind@san.r.com

18.1 Please refer to responses to comments 10.1 through 10.8.

18.2 The project is located at the southwest corner of the intersection of La Jolla Village Drive and Genesee Avenue. Section 5.2 of the DEIR analyzed project-related traffic. Thus, the DEIR addresses the issue of concern to the commenter.

COMMENTS

RESPONSES

From: <SandyAgt@aol.com>
 To: <dadess@sanidiego.gov>
 Date: Wed, Sep 27, 2006 7:49 AM
 Subject: Project No. 6663/SCH No. 2003091106

Dear Sirs/Madams:

19.1

We are opposed to the recent news of more dense housing in the UTC area of the Monte Verde project; it's obvious that there is a severe traffic problem there as it is now. Where and why isn't the city plan being observed? The heights & density of this new proposal are outrageous for the following reasons:

Visual Effects and Neighborhood Character:
 The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 166 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

19.2

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

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The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 6-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

Thank you for listening.

Sandy and Jim Bassler
 3026 Award Row

19.1 The density of the project is consistent with the overall density authorized by the Community Plan for the area. (Please see response to comment 10.2.) Section 5.2 of the DEIR analyzes the project's traffic impacts.

19.2 Please refer to responses to comments 10.1 through 10.8.

From: "Allison Bean" <albean0325@hotmail.com>
To: <DSDEAS@sanidiego.gov>
Date: Wed, Sep 27, 2006 1:04 PM
Subject: Project No. 0563/SCH No. 2003091106

Comments on the Draft EIR for Monte Verde
from Allison Bean 3844 Camino Lindo San Diego, CA 92122

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 166 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

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20.1 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: "Karen Bender" <kabender@san.rr.com>
 To: <DSDEAS@san.diego.gov>
 Date: Wed, Sep 27, 2006 11:05 PM
 Subject: Project No. 6563/SCH No. 2003001106

21.1

PLEASE NO HUGE TOWERS!!!
 No more over-development in North UC!!!!
 Karen Bender
 2879 Angell Ave
 San Diego CA 92122

21.1 Comment noted.

COMMENTS

RESPONSES

From: "Paul Bender" <pbender@san.r.com>
 To: <DSDEAS@sandiego.gov>
 Date: Tue, Sep 26, 2006 10:40 PM
 Subject: Comments on the Draft EIR for Monte Verde

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 188 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

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22.1 Please refer to responses to comments 10.1 through 10.8.

22.1

COMMENTS

RESPONSES

From: "Al Bendett" <bendett@san.r.com>
To: <dadess@sandiego.gov>
Date: Wed, Sep 27, 2006 4:18 PM
Subject: Project # 0503/SCH #2003091106

Comments on the Draft EIR for

Monte Verde

Visual Effects and Neighborhood Character:

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Al Bendett
5728 Honora Dr
San Diego, CA 92122
bendett@san.r.com

23.1

23.1 Please refer to responses to comments 10.1 through 10.8.

From: "Meryl Berk" <berknn@yahoo.com>
 To: <DSDEAS@sandiego.gov>
 Date: Tue, Sep 26, 2006 10:59 PM
 Subject: Opposed to towers

Comments on the Draft EIR for Monte Verde

Visual Effects and Neighborhood Character:

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Meryl Berk
 5505 Stresemann Street
 San Diego, CA 92122

24.1 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: "Marguerite Blattner, BSRN, CRA" <ResearchTrial@OneWoman.us>
 To: <DSDEAS@sanidago.gov>
 Date: Wed, Sep 27, 2006 12:51 PM
 Subject: Comments on the Draft EIR for Monte Verde Project No. 8583/SCH No. 2003091108

To Whom It May Concern:

25.1

I am a local U.C. resident. I live within 1 mile proximity to this project as well as the proposed Regents Rd. bridge. I believe the contemporaneous propositions to commercialize and develop this area are not coincidental. I further believe that the changes imposed as a direct result are anticipated to be of great financial gain to a group of supporters, none of whom live in the area to be affected.

This will be to the detriment of all my neighbors, those from the I-5 region, Sorrento Valley and nearby Claremont as well. I have included detailed comments supported by myself and these neighbors.

I am personally asking for consideration of and a direct response to our concerns about the major and deleterious impact the proposed changes will foist on this neighborhood. Increased traffic, overwhelming jump in population, destruction of the beauty and atmosphere of this community just to name a few.

25.2

It is obvious that should this project pass, the next requirement will be to build new schools because of sheer necessity. The continued tumble down effect will then ravage and digest the entire acreage of U.C. East of I-5. Obviously. This is the beginning of numerous projects that will erode and corrode the quality of life provided to the residents, tourists, healthcare providers, university faculty, and other individuals who by choosing to relocate in this niche area of San Diego, made a statement about the appearance, quality of life and ambience University City exemplifies.

25.3

MYSELF INCLUDED. Please read on.

25.4

Comments on the Draft EIR for Monte Verde Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious immittigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

25.1

These comments are noted, and the commenter's objection to the project is acknowledged.

25.2

As discussed in Section 5.4, the DEIR has acknowledged potential impacts to public services including schools. The project would be subject to payment of school impact fees. Under State law, the payment of these fees is considered adequate mitigation for CEQA purposes.

25.3

Comment noted. Various aspects which help define quality of life including air quality, noise, traffic and neighborhood character are discussed in the EIR.

25.4

Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

25.4
Cont.

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

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The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

25.5

This community flies a banner that states UC is "not just another neighborhood".

Marguerite Blattner, BSRN, CRA
7738 Camino Noguera
San Diego, CA 92122
658. 775. 0822

25.5 Comment noted.

COMMENTS

RESPONSES

From: <maryanna@netthere.com>
 To: <DSDEAS@sandiego.gov>
 Date: Wed, Sep 27, 2006 12:38 PM
 Subject: Project No. 0503/SCH No. 2003091106 Mary Anna Boals 7667 Camino Kleco San Diego, CA 92122

26.1

Visual Effects and Neighborhood Character: The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 188 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

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26.1 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: "Kim B" <kimbolivar1@hotmail.com>
 To: <DSDEAS@sandiego.gov>
 Date: Wed, Sep 27, 2006 10:47 AM
 Subject: Project No. 0563/SCH No. 2003091106

My name is Kim Bolivar. I live in 4070 Porte de Palmas #13, San Diego, CA 92122

Comments on the Draft EIR for Monte Verde

Visual Effects and Neighborhood Character:

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Please take my comments into account and stop that project.

Sincerely,

Kim Bolivar.

27.1 Please refer to responses to comments 10.1 through 10.8.

27.2 Comment noted. This comment will be forwarded to the City Council for its consideration as part of the FEIR.

COMMENTS

RESPONSES

From: "Celine Bonnefous" <celine_bonnefous@yahoo.com>
To: <DSDEAS@sanidiego.gov>
Date: Wed, Sep 27, 2006 4:56 PM
Subject: Project No. 0583/SCH No. 2003091106

Celine Bonnefous
4425 Via Sepulveda
San Diego, CA 92122

Comments on the Draft EIR for Monte Verde

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Celine Bonnefous
4425 Via Sepulveda, #3
San Diego, CA 92122
USA
(858) 638-9255

28.1 Please refer to responses to comments 10.1 through 10.8.

28.1

COMMENTS

RESPONSES

From: "Kathy Bowles" <bowlesover@yahoo.com>
 To: <DSDEAS@sanidiego.gov>
 Date: Wed, Sep 27, 2006 10:23 AM
 Subject: Project#6563/SCH No. 2003091106

Comments on the Draft EIR for Monte Verde

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 166 dwelling units per acre compared to the currently allowable 46-76 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

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Sincerely,
 Kathy Bowles
 3142 Carnegie Pl.
 San Diego, CA 92122

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29.1 Please refer to responses to comments 10.1 through 10.8.

29.1

COMMENTS

RESPONSES

From: "Pam Boyle" <boylep@adelphia.net>
 To: <DSDEAS@sanidiego.gov>
 Date: Wed, Sep 27, 2006 10:11 AM
 Subject: Project No. 0563/SCM No. 2003091106

Comments on the Draft EIR for Monte Verde

30.1

Visual Effects and Neighborhood Character: The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledges that this project would add hundreds of new residents in an area that already falls far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 6-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

30.2

Don't even think about this exponential increase in density!!!

Pamela Boyle
 4120 Porte De Merano #79
 San Diego, CA 92122

30.1 Please refer to responses to comments 10.1 through 10.8.

30.2 Comment noted. The density of the project is consistent with the overall density authorized by the Community Plan for the area. (Please see responses to comments 10.2 and 10.3)

COMMENTS

RESPONSES

From: "Bill Breher" <BBreher@sbcglobal.net>
To: <DSDEAS@sanidiego.gov>
Date: Wed, Sep 27, 2006 8:27 AM
Subject: Project No. 0503/SCH No. 2003091108

31.1

Traffic on Genesee and the surrounding UTC area is already a parking lot several times a day and fire protection is blocked by the dense traffic. The new traffic created by these buildings will make this totally unacceptable.

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 186 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

31.2

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledges that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

Sincerely,

Joan and Bill Breher
3295 Weimer Place
San Diego, CA 92122

31.1 This comment is noted.

31.2 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: "HALLIE BURCH" <HALLIEB@san.it.com>
 To: <DSDEAS@sanidiego.gov>
 Date: Wed, Sep 27, 2006 3:11 PM
 Subject: Project No. 66631/ SCH NO. 2003091106

32.1

Please exercise great caution when considering amending the community plan to allow four towers to be built in an already heavily impacted area. The responsibility of maintaining the intent of community plans must be first and foremost in the decision making process. If this project is allowed to go through, the city will again have fallen into the hands of developers and unimpeded growth will be allowed to continue.

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

32.2

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledges that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 16 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

Hallie Burch
 2667 Angell Avenue
 San Diego, CA 92122

32.1

Please refer to responses to comments 10.2 and 10.3. The Specific Plan area is approaching build-out, and there are limited opportunities for additional high-density projects in the area.

32.2

Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: "Peter Burch" <dpeter1@san.r.com>
 To: <DSDEAS@sandiego.gov>
 Date: Wed, Sep 27, 2006 7:53 AM
 Subject: Comments on Monte Verde draft EIR

Comments on the Draft EIR for Monte Verde

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 188 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledges that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

33.1 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: "Frank Covatt" <fcovatt@sbcbglobal.net>
 To: <DSDEAS@sanidiego.gov>
 Date: Tue, Sep 26, 2006 11:22 PM
 Subject: Project No. 6563/SCH. No. 2003091106

Comments on the Draft EIR for Monte Verde

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledge that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

Sincerely,

Frank Covatt
 5811 Tulane Street
 San Diego CA 92122

34.1 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: "Erma Cox" <ermacox@sbcglobal.net>
 To: <DSDEA@sanidiego.gov>
 Date: Wed, Sep 27, 2006 9:49 AM
 Subject: Project # 6583/SCH No. 2003091108

35.1

I am very concerned about the proposed project about to be approved for the following reasons: Visual Effects and Neighborhood Character: The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledge that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this does not a significant impact. The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

Thanks
 Erma Cox
 5062 Mt. Gaynes Dr.
 San Diego, CA 92117

35.1 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: "Fay Crevoshey" <faycrev@yahoo.com>
To: <DSDEAS@sanidgo.gov>
Date: Wed, Sep 27, 2006 4:55 AM
Subject: Project No. 6563/SCH No. 2003091106

To whom it may concern

36.1 I live in University City and I am very concerned that no one is protecting my neighborhood. Can you help stop these buildings?

Visual Effects and Neighborhood Character: The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

36.2 Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledges that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

36.3 I expect you to take care of my interests too.

Thank you
Fay Crevoshey
6045 Tulane St
San Diego, CA 92122

Fay Crevoshey
Communications Director
WILDCOAST
925 Seacoast Dr.
Imperial Beach, CA 91932, USA
Tel: 619.423.8885 ext. 205
Cel: 619.309.5445
Fax: 619.423.8488
fcrevoshey@wildcoast.net
www.wildcoast.net

Help Protect our Coast and Ocean by becoming a WILDCOAST member:
<http://www.wildcoast.net/wildcoaststore.html>

36.1 The commenter's opposition to the project is noted and will be forwarded to the City Council as part of the Final EIR.

36.2 Please refer to responses to comments 10.1 through 10.8.

36.3 Comment noted.

COMMENTS

RESPONSES

From: "Claran Cronin" <claranc@pacbell.net>
 To: <DSDEAS@sandiego.gov>
 Date: Wed, Sep 27, 2006 7:39 PM
 Subject: Project No. 8563/SCH No. 2003091106

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledges that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 6-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 16 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

Sincerely,

Claran Cronin
 3176 Bunche Avenue
 San Diego
 CA 92122

37.1 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: "Elle Dang" <elledang@hotmail.com>
To: <DSDEAS@sandiego.gov>
Date: Wed, Sep 27, 2006 4:29 PM
Subject: Project No. 6563/SCH No. 2003091106

Please consider the following concern re the Draft EIR:

38.1

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Thank you,
L. Dang
3486 Millikin Ave.

38.1 Please refer to response to comment 10.3.

COMMENTS

RESPONSES

From: "Dianne Day" <day@salik.edu>
To: <DSDEAS@sandiego.gov>
Date: Wed, Sep 27, 2006 10:29 AM
Subject: Project No. 5453SCH No 2003091106

39.1

I have been a long-time resident in the Golden Triangle and have enjoyed the community atmosphere and continue to do so. The proposed buildings are not only out of character for the area but will have a tremendous impact on the density of the community as well. Here are some comments and observations:

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 units/acre. The EIR must fully and clearly describe the severe impacts of these changes.

39.2

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledges that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

I would like to receive your comments on the above.

Dianne D. Day
VP Development
The Salik Institute for Biological Studies
10010 North Torrey Pines Road
La Jolla, CA 92037
Phone: (858) 452-0640
Fax: (858) 625-2495
day@salik.edu
www.salik.edu

39.1

The commenter's opposition to the project is noted. For a discussion of visual impacts, please refer to Section 5.13 of the DEIR. With regard to density, please refer to responses to comments 10.2 and 10.3.

39.2

Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: "Marco C. de Andrade" <mandrade@san.r.com>
 To: <DSDEAS@san.r.com>
 Date: Tue, Sep 26, 2006 11:23 PM
 Subject: Project No. 6563/SCH No. 2003091106

My wife and I would like to express our opposition to the planned development on the corner of Genesee Ave. and La Jolla Village Drive for the reasons described on the draft EIR on this project (see below). Thank you for your attention to this matter.
 Sincerely,

Marco de Andrade, Ph.D.
 3431 Villanova Ave.
 San Diego, CA 92122

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 188 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

40.1

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledges that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 16 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

40.1 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: "Christine DeMaria Penfield" <odemaria@san.tr.com>
 To: <DSDEAS@sandiego.gov>
 Date: Tue, Sep 26, 2006 6:36 PM
 Subject: Project No. 6583/SCH No. 2003091108

41.1

Seriously, people. What is wrong with this picture? How can you complain about the traffic burden on Genessee and then approve a project like this? How much are you people taking from the developers, anyway? My name is Christine DeMaria Penfield and I live at 2739 Curie Place San Diego, CA 92122 and I seriously oppose this and all other short-sighted disastrous projects like it.

Comments on the Draft EIR for Monte Verde

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 108 dwelling units per acre compared to the currently allowable 45-75 units/acre. The EIR must fully and clearly describe the severe impacts of these changes.

41.2

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledges that this project would add hundreds of new residents in an area that "already" falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

41.1 The commenter's opposition to the project is acknowledged and it will be forwarded to the City Council as part of the Final EIR.

41.2 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: <paramom@justice.com>
 To: <DSDEAS@sandiego.gov>
 Date: Wed, Sep 27, 2006 7:17 AM
 Subject: Project No. 0503/SCH No. 2003091106

Comments on the Draft EIR for Monte Verde

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 units/acre. The EIR must fully and clearly describe the severe impacts of these changes.

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

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The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

Stephen W. Desterhaft
 3063 Fried Ave San Diego, CA 92122

42.1 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: "Drew Dougherty" <drew@leadershipdna.com>
 To: <DSDEAS@sandiego.gov>
 Date: Wed, Sep 27, 2006 11:37 PM
 Subject: Project No. 8583/SCH. No. 2003091106

My name is Drew Dougherty. I live in University City.

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 165 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledges that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

Drew Dougherty

LeadershipDNA

(858) 457-3415

www.leadershipdna.com

43.1 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: "Faye Duggan" <fduggan@earthlink.net>
 To: "San Diego City Council" <DSDEAS@sanidiego.gov>
 Date: Tue, Sep 26, 2006 9:06 PM
 Subject: Project No. 6583/SCH No. 2003091106

San Diego City Council:

- 44.1 ☐ I do not see how the City Council can approve the Monte Verde project at Genessee and La Jolla Village Dr. These buildings do not fit with the character of our community and will adversely affect the traffic and aesthetics of the neighborhood. The residents of this area do not want four giant buildings towering over everything in the area and blocking sunshine and casting shadows for most of the daylight hours. This development goes against the intentions of the Community Plan in every respect. The impact of the Crossroads apartment development (though not yet completed) has negatively impacted residents in the area - and isn't this the same developer as Monte Verde? It really makes me question why the City Council goes against the wishes of the voters/residents and continues to make choices that benefit developers, but not the citizens of San Diego.
- 44.2 ☐
- 44.3 ☐
- 44.4 ☐

Charlie Faye Duggan
 5682 Renaissance Ave. #3
 San Diego, CA 92122
 619/540-6179

- 44.1 Please refer to response to comment 10.1. As discussed in Sections 5.2 and 5.3, the DEIR has acknowledged significant impacts to traffic and circulation and neighborhood character.
- 44.2 Please refer to response to comment 10.5.
- 44.3 As discussed in Section 5.1, the DEIR has acknowledged potential impacts to land use, including consistency with the Community Plan.
- 44.4 The commenter's opposition to the project is noted.

COMMENTS

RESPONSES

From: "Jon Eisen" <joneisen@yahoo.com>
 To: <dsdeas@sandiego.gov>
 Date: Tue, Sep 26, 2006 8:33 PM
 Subject: Project No. 6563/SCH No. 2003091106

Comments on the Draft EIR for Monte Verde

45.1 While the following info I agree with, basically I am against more density in an area that already has too many multi-family residences and density. It's just more crowding on the local schools and more traffic and pollution.

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 166 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

45.2 Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledges that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

Sincerely,

JON EISEN
 3275 Weimer Pl
 San Diego, CA 92122

45.1 The commenter's opposition to the project is noted. Regarding the density of the project in relation to the Community Plan, please refer to responses to comments 10.2 and 10.3.

45.2 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: <pegengel@san.r.com>
To: <DSDEAS@san.diego.gov>
Date: Wed, Sep 27, 2006 4:40 PM
Subject: Project No 6583 / SCH No 2003091106

September 27, 2006

E. Sheerer-Nguyen
Environmental Planner
City of San Diego
1222 First Avenue, MS 501
San Diego, CA 92101

Subject: Project No 6583/SCH No 2003091106

Comment on the DEIR for Monte Verde Project in University City

46.1

I believe "Growth Inducement" is a serious potential impact that deserves better discussion than is offered in this DEIR. That University City is "nearly completely built out" does not make insignificant the policy question of how amending our Community Plan to allow increased density will induce similar actions within our area. Which projects in University City are remaining that would similarly gain from similar Plan amendments? What happens in older neighborhoods when redevelopment projects propose Plan amendments for increased density?

46.2

That a shortage of housing induces pressure to increase housing throughout the San Diego region is also irrelevant. What is relevant to public officials' decision-making is fair distribution of the City-wide pressure to increase housing. The University Community Plan already provides for ours to be an area of high density. Is it consistent with what's happening in other communities that it now take on more? How common in San Diego history is the amending of our Community Plans for the purpose of increasing a neighborhood's density? Is this a routine reason for revisions in the "dynamic" process of San Diego planning?

46.3

Consider that we in University City just saw in the Council's discussion on the Regents Road bridge project that they are not comfortable amending a Community Plan just because community residents have come to value remaining parkland more than they do completion of a neighborhood arterial. It's glaring in this context to be cavalier about another legitimate community concern - that amending a Plan for the purposes of increased density is an inducement to further unforeseen growth.

Margaret Engel
4451 Huggins St
San Diego 92122

46.1

Please refer to response to comment 10.3.

46.2

This EIR contains an analysis of the project's potential physical impacts on the environment. The commenter's questions are not within the scope of this analysis. However, they will be forwarded to the City Council as part of the Final EIR.

46.3

As discussed in response to comment 10.3, the project is consistent with overall density limits set forth in the Specific Plan. At the time the City prepared the DEIR for the project, the status of the Regents Ridge proposal was uncertain. For this reason, the analysis considers impacts of the project both with and without the bridge. The commenter is correct that the Regents Ridge project is opposed by some members of the community. As no issue regarding the adequacy of the DEIR is identified, no specific response can be made.

COMMENTS

RESPONSES

From: "Pearl Evans" <smallhelm@san.r.com>
 To: <DSDEAS@san.r.com>
 Date: Tue, Sep 26, 2006 8:52 PM
 Subject: Project No. 6663/SCH No. 2003091106

Greetings:

These are my comments for the Draft EIR for Monte Verde.

47.1

Please do not discard the community plan, which allows 45-75 units/acre. The 4 giant high rise towers proposed for development at Genesee and La Jolla Village Drive allows 168 dwelling units per acre. Not only will the impact of traffic and other problems be unacceptable, other developers will demand their right to build similar projects. The Draft EIR cannot ignore this significant and unmitigable impact on the community. I find it difficult to understand why such housing would be allowed when there is already a glut of condo units saturating the market.

47.2

Why was the Draft EIR's Alternative of two 18-story and two 21-story towers not chosen? They are environmentally preferable.

47.3

Respectfully,

Alice Pearl Evans
 4235 Porte de Palmas #182
 San Diego, CA 92122
 smallhelm@san.r.com

47.1 Please refer to response to comments 10.2 and 10.3.

47.2 Comment noted. The market for condominiums or other residential units fluctuates over time. At present, the region is experiencing a softer market for condominiums available for sale than in recent years. By historical standards, prices for condominiums remain high. It is impossible to predict with certainty the future market for condominiums or other residential units. It is clear, however, that over the long term, there is significant demand for residential units in the region generally, and in the University City area in particular. The EIR focuses on the environmental impacts of the project using the Development Services Department's standard thresholds and does not take a position for or against the project..

47.3 Please refer to response to comment 10.8.

COMMENTS

RESPONSES

From: <JohnLeeEvans@aol.com>
 To: <DSDEAS@sandiego.gov>
 Date: Tue, Sep 28, 2008 9:25 PM
 Subject: Project 6663/SCH No. 2003091106

Proposal for 35 and 40 story towers at Genessee and La Jolla Village Drive:

- 48.1 ☐ Visual effects and neighborhood character:
 48.2 ☐ This proposal would radically and negatively effect the character of the
 48.3 ☐ neighborhood. They would tower above all of the other buildings that are mostly
 48.4 ☐ consistent with each other. They will cast long shadows over the block.
 Furthermore, this exception could invite even more exceptions.
- The negative environmental effects are not adequately addressed in the EIR.

John Lee Evans
 6371 Bregg St.
 San Diego, CA 92122
 658-453-4921

- 48.1 Please refer to response to comment 10.1.
- 48.2 Please refer to response to comment 10.5.
- 48.3 Please refer to response to comment 10.3.
- 48.4 This comment is noted.

COMMENTS

RESPONSES

From: "JAMES FINCH" <j_finch@sbcglobal.net>
 To: <DSOEAS@sanidiego.gov>
 Date: Wed, Sep 27, 2006 10:32 AM
 Subject: Project No. 0563/SCH No. 2003081108

Comments on the Draft EIR for Monte Verde

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledges that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this is not a significant impact. The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

James D. Finch
 7874 Camino Gloria
 San Diego, CA 92122

CC: "Cheri DeVilla" <cheri5928@sbcglobal.net>, "Janis Cruz" <cruzcentral@msn.com>, "Daina Hartin" <daina_hartin@intuit.com>, "James Finch" <j_finch@sbcglobal.net>

49.1

49.1 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: "Fisher, Lesley" <FisherL@Chargers.nfl.com>
 To: <DSDEAS@sandiego.gov>
 Date: Wed, Sep 27, 2006 8:28 AM
 Subject: Project No. 6563/SCH No. 2003091106

Comments on the Draft EIR for Monte Verde

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledge that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

Lesley Fisher

5353 Bothe Avenue

50.1 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: "Ron Floyd" <radfloyd@yahoo.com>
To: <DSDEAS@sanleigo.gov>
Date: Wed, Sep 27, 2006 12:01 PM
Subject: Project No. 8563/SCH No. 2003091100

Comments on the Draft EIR for Monte Verde

Violation of Airspace Corridor

- 51.1 [] Placement of the towers into the alternative flight path for Miramar AirStation is not addressed and thus the effects of an airplane crashing into the towers is not addressed. Clearly there are inadequate emergency facilities and traffic infrastructure in place and this is not addressed.
- 51.2 []

Traffic

- 51.3 [] The draft EIR completely understates and deceitfully minimizes the impact that these structures and their associated vehicular traffic would have on the nearby gridlocked traffic in the area. Supportive parking is not addressed adequately either. The number of inhabitants per unit is not considered correctly. Due to the high rents in the area and the number of students desiring to be proximate to the University, the number of inhabitants should be considered to be at least 2 per bedroom. This is the current actual density. Each inhabitant has at least one car. The current plan does not allow for this.
- 51.4 []

Visual Effects and Neighborhood Character:

- 51.5 [] The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind

- 51.1 The applicant submitted a Form 7460-1 to the FAA for each building in order to receive FAA approval for the building heights. The FAA determined the structures did not exceed obstruction standards and would not be a hazard to air navigation if conditions cited in the findings were met. The applicant intends to comply with the conditions of the FAA findings. As discussed in Letter #1, the project is consistent with the MCAS Miramar AICUZ guidelines provided the FAA conditions are met. The potential for crash hazards is discussed on page 5.1-28 and determined to not be significant.
- 51.2 As stated on DEIR page 5.4-8, "in accordance with Sections 15126.2(a) and 15382 of the CEQA Guidelines, impacts related to public services are evaluated in light of whether the impact would result in a physical change in the environment." While they are important issues in the City of San Diego, emergency access and response times are not physical changes in the environment, therefore, emergency services are not analyzed in Section 5.4.
- 51.3 As discussed in Section 5.2, the DEIR has acknowledged significant impacts to traffic and circulation. Section 5.2 includes a description of current traffic conditions in the area, and analyzes the extent to which project-related traffic would affect those conditions. Traffic from the project was estimated using "trip generation rates" and applying those rates to the uses proposed for the project. The details regarding how trip generation rates were calculated are presented in the traffic study, which is attached as Appendix D to the DEIR. These rates are based on published studies and were obtained from the City of San Diego's Land Development Code. This methodology to estimate trips generated by a proposed project is widely used and generally accepted throughout the State.
- 51.4 The commenter does not provide specific data supporting the statement regarding the number of residents per bedroom or the number of cars per resident in the area. Please refer to response to comment 8.9.
- 51.5 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

51.5
Cont.

this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledge that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

51.6

The need for low income housing is inadequately addressed by the developer. To be allowed to build at all, the developer should be required to devote at least 60% of all space (residential plus commercial) to low income housing, in addition to being required to pay for all necessary infrastructure alterations and improvements for at least 10 years following completion of the project.

Please address these concerns.

Ronald A. Floyd
5640 Lord Cecil Street
San Diego, CA 92122

51.6

The proposed project is consistent with the City of San Diego's inclusionary housing policy. This policy requires the applicant to pay a fee or provide affordable units. As discuss in Section 3.2.1, the applicant would provide 80 affordable units within Subarea 2 of the University Community Plan. The City ordinance does not require the applicant to provide more affordable housing than the amounts specified in the ordinance.

COMMENTS

RESPONSES

From: "edtaurus" <edtaurus@san.r.com>
 To: <DSDEAS@sandiego.gov>
 Date: Tue, Sep 28, 2006 10:14 PM
 Subject: Project No. 6583/SCH. No. 2003091106

Comments on the Draft EIR for Monte Verde

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 188 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledges that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

Along with the negative Visual Effects and Impact to Neighborhood Character, these projects will continue the traffic congestion on our neighborhood streets. The recent City Council approval of the Regents Road Bridge or even the alternate Genesee widening will not provide the relief to the present congestion, since they do not address the basic queuing problem created by the lights and stop signs that are required within a community to provide access to the major traffic arteries. The Regents Road bridge will require lights at the side streets that only access Regents Road as well as the appropriate traffic control for the Doyle Elementary school. These artificial solutions to the neighbor traffic congestion caused by the uncontrolled development in the Golden Triangle area are only in the city plan to allow the developers to continue their profit driven building. The only solution to the current traffic is to expand the Interstate lanes on Interstate 5 (that has the same number of lanes in this area as when I move here in the late 70's) and Interstate 805. The Interstate system of traffic management is designed to address access and queuing issues.

Please stop the continued overbuilding of this area and respond to the actual citizens of this community, instead of manipulating Environmental Impact Reports to the benefit of developers.

Respectfully,

Lerry and Gail Forgey

3577 Wellesly Ave.

San Diego, CA 92122

52.1 Please refer to responses to comments 10.1 through 10.8.

52.2 As discussed in Section 5.2, the DEIR has acknowledged significant impacts to traffic and circulation.

52.3 The commenter's opposition to the project is noted.

COMMENTS

RESPONSES

From: "Jack Forman" <jackforman@sbcglobal.net>
 To: <DSDEAS@sanidiego.gov>
 Date: Wed, Sep 27, 2006 12:23 AM
 Subject: Oppose EIR Draft on MONTE VERDE PROJECT

There are many flaws in the EIR Draft regarding the proposed high-rise residential towers project at the corner of Genesee and La Jolla Village Dr.

53.1 ☐ (1) It grossly understates the severe environmental impact this kind of building would have on the character of the UTC neighborhood. The allowable density standard proposed will be more than doubled if the high-rise project is passed - and this will lead to further development projects with the increased density maximums.

53.2 ☐ (2) It will lead to increased population density in the neighborhood and will thus seriously change the character of the neighborhood. The EIR does not address this issue at all.

53.3 ☐ (3) It will tax the already overused infrastructure of the neighborhood - i.e., roads, more traffic, public transit, fire and police support, public parks, libraries, schools, etc. The EIR does not address this issue directly.

53.4 ☐ (4) It will greatly increase noise levels in the neighborhood. The EIR does not address this issue in any way.

53.5 ☐ As a resident of the neighborhood, I strongly oppose the Monte Verde Project. And, I find the EIR draft does not address important environmental issues and concerns that will be impacted greatly by the construction of these high-rise towers.

Jack Forman

4185 Porte de Palmas

#195

San Diego, CA 92122

658-658-1410

<mailto:jackforman@sbcglobal.net> jackforman@sbcglobal.net

53.1 Please refer to responses to comments 10.2 and 10.3.

53.2 Please refer to response to comment 10.2.

53.3 Congestion related to limited roadway capacity is discussed in Section 5.2. As discussed in response to comment 51.2, emergency access and response times are not physical changes in the environment, therefore, emergency services are not analyzed in Section 5.4. Section 5.4 does analyze other public services.

53.4 As discussed in Section 5.6.2, the additional traffic due to the project would not increase noise on roadways by more than 3 dB(A), therefore no significant impacts to surrounding neighbors would occur. The project does not propose any uses that would cause noise from stationary sources, therefore no impact would occur.

53.5 The commenter's opposition to the project is noted. Please refer to responses to comments 53.1 through 53.4.

COMMENTS

RESPONSES

54.1

From: "Susan Foster" <misaqfoer@yahoo.com>
 To: <DSDEAS@sandiego.gov>
 Date: Wed, Sep 27, 2006 8:38 AM
 Subject: 6563/SCH No. 2003091106

Please, please reconsider the two giant towers being planned for the corner of Genesee Ave and La Jolla Village Drive. THIS IS INSANE!!! We are a community of families and homes and are already over stressed with traffic congestion. We have lived here for 30 years and have seen this sweet, quiet, peaceful community change into a very, very busy and congested business district.

PLEASE DO NOT LET THIS HAPPEN TO UNIVERSITY CITY.

Steve and Susan Foster
 3190 Mercer Lane
 San Diego, CA 92122

Get your email and more, right on the new Yahoo.com

54.1 The commenter's opposition to the project is noted.

COMMENTS

RESPONSES

From: "Susan Foster" <missqfoster@yahoo.com>
 To: <DSDEAS@seandiego.gov>
 Date: Wed, Sep 27, 2006 8:32 AM
 Subject: 8563/SCH No. 2003091108

Visual Effects and Neighborhood Character: The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledge that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

Susan Foster
 3190 Mercer Lane
 San Diego, CA 92122

How low will we go? Check out Yahoo! Messenger's low PC-to-Phone call rates.

55.1 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

From: "EDWARD FRIEDMAN" <efriedman@man.com>
To: <DSDEAS@SANDIEGO.GOV>
Date: Tue, Sep 26, 2006 9:33 PM

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

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The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 16 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

It is time for the city council to stop caving into the developers demands and for once do what is best for the citizens of San Diego.

56.1 Please refer to responses to comments 10.1 through 10.8.

56.2 The commenter's opposition to the project is noted.

COMMENTS

RESPONSES

From: "Leah Fuentes" <marlangiri05@yahoo.com>
 To: <DSDEAS@sanidiego.gov>
 Date: Tue, Sep 26, 2006 9:48 PM
 Subject: UTC TOWERS

Please take into account the following!!!

Comments on the Draft EIR for Monte Verde

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 166 dwelling units per acre compared to the currently allowable 45-75 unit/acre. The EIR must fully and clearly describe the severe impacts of these changes.

Growth Inducement: The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services: The Draft EIR acknowledges that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not assess the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 16 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

How low will we go? Check out Yahoo! Messenger's low PC-to-Phone call rates.

57.1 Please refer to responses to comments 10.1 through 10.8.

From: "R Fuhrman" <rfuhrman2@yahoo.com>
 To: <DSDEAS@sandiego.gov>
 Date: Wed, Sep 27, 2006 11:27 AM
 Subject: Project No. 6563/SCH No. 2003091106

Project No. 6563/SCH No. 2003091106

Comments on the Draft EIR for Monte Verde

Visual Effects and Neighborhood Character:

The Draft EIR finds that there are serious unmitigable impacts of this project on Visual Effects and Neighborhood Character. However, it severely understates these impacts, glosses them over, or denies them. These four buildings are absurdly out of character with the community and the community plan. They would tower over everything else. They would permit densities that far exceed what is allowed in the community plan: 168 dwelling units per acre compared to the currently allowable 45-75 units/acre. The EIR must fully and clearly describe the severe impacts of these changes.

Growth Inducement:

The Draft EIR fails to acknowledge that this project will lead to a cascade of changes in the character of our community. Once this project receives community plan amendments to allow these drastically new heights and levels of density, other developers are sure to argue they, too, should receive plan amendments to increase their height and density. In fact, requests for plan amendments to drastically increase density are already lined up right behind this project and will surely argue that if this project is approved, they too should receive approval.

Park and Library Services:

The Draft EIR acknowledges that this project would add hundreds of new residents in an area that already falls very far short of the city standard in neighborhood parks and library services. Yet the Draft EIR simply states this "is not a significant impact." The Draft EIR cannot ignore this significant and unmitigable impact.

58.1 Please refer to responses to comments 10.1 through 10.8.

COMMENTS

RESPONSES

58.1
Cont.

The Draft EIR severely understates the impact of the very long shadows these buildings would cast. It understates the amount of daily truck traffic that would occur during the 5-12 year time frame of excavation and construction. It does not adequately describe the routes to be used by construction vehicles and does not ~~assess~~ the noise impacts of these vehicles.

The Draft EIR describes an Alternative to the project with two 18 story and two 21 story towers that would reduce many of the negative impacts, including traffic. It gives no reason why this project was not chosen, even though it is environmentally superior.

I look forward to receiving your comments and responses on these various points.

Thank you,

Randy Fuhrman
2645 Gobal Ave
San Diego, CA 92122

CC: <rfuhrman2@yahoo.com>